

LOCAL news

LEGISLATIVE
LIP SERVICE

Continued from the cover

On Dec. 9, the Oregon Court of Appeals issued a ruling in *Tanner vs. OHSU*, which stipulates that all state and local governments in Oregon must offer spousal benefits to the same-sex domestic partners of their employees. The ruling stemmed from a lawsuit brought by three lesbian employees of Oregon Health Sciences University who claimed their domestic partners were entitled to benefits. The unanimous three-judge panel said denying the benefits violated the equal protection provisions of the Oregon Constitution.

The ruling goes even further. It prohibits private employers from discriminating on the basis of sexual orientation in hiring, firing, promotions and pay (but does not force them to provide health benefits).

Immediately following the ruling, Dave Fidanque, executive director of the American Civil Liberties Union of Oregon, noted its significance, saying the "aspects of the decision carry well beyond the actual parties in this case. This decision completely changes the legal landscape of employment law in Oregon.... For the first time, an appellate court has said that discrimination based on sexual orientation is unconstitutional."

In a legislative preview in *Just Out's* Jan. 8 issue, Mannix offered: "I do think [the court] really ran away with this one. There are times where a particular revolutionary court decision requires a reaction."

The Democrat-turned-Republican didn't disappoint. He, along with Witt, reacted with precision and speed. The duo are pushing House Joint Resolutions 4, 5 and 6, which are intended to smash *Tanner* to bits.

The measures are referrals, meaning that if they are approved by the Legislature, they go directly to a state ballot for a vote, circumventing a possible gubernatorial veto.

Mannix, meanwhile, is trying to advance another measure, House Bill 2354, which seeks a special election on May 18 in which voters would specifically consider the Witt-Mannix referrals.

House Joint Resolution 4 proposes an amendment to the Oregon Constitution that requires legislators to establish laws that "recognize, enhance and support marriage." In this case, marriage would pertain explicitly to a civil contract between a male and a female.

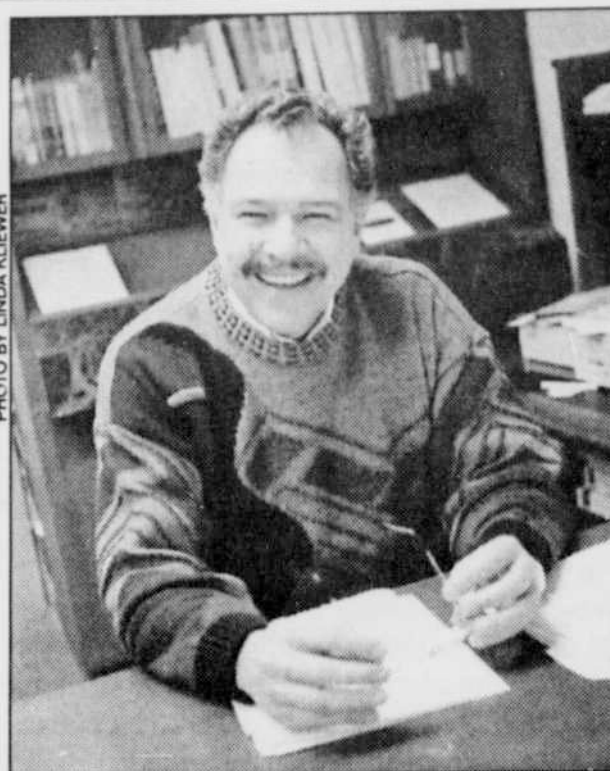
House Joint Resolution 5 would amend the constitution by creating a new section that says state or local governments cannot provide insurance benefits to the partner of an employee who is not married to the employee unless the benefits are approved by a majority of voters.

House Joint Resolution 6 also seeks to amend the constitution to require state and local governments to obtain voter approval before they prohibit discrimination based on "the sexual practices or sexual orientation of a person."

In other words, the majority would dictate whether the minority receives discrimination protection or access to some benefits.

The package doesn't end there. House Bill 2076, promoted by Rep. Ron Sunseri, a Republican from Gresham, blocks gender reassignment surgery from the list of health services covered under the Oregon Health Plan. It has been assigned to the Human Resources Committee.

Senate Bill 150, backed by Sen. Thomas Wilde, a Portland Democrat, declares a "zero tolerance policy toward all forms of discrimina-



George Eighmey, former state legislator and current executive director of Compassion in Dying of Oregon

tion based on race, color, national origin, sex or religion in state workplaces and in academic institutions." There is no mention of sexual orientation or gender identity in the bill, which has been assigned to the Judiciary Committee.

Ironically, the proposal declares "that all branches of state government shall be leaders among employing entities within the state in providing to its citizens and employees, through a program of affirmative action, fair and equal opportunities for employment and advancement in programs and services and in the awarding of contracts."

Wilde tells *Just Out* that if he put sexual orientation and/or gender identity in the bill, it would be dead in the water.

"That's the political reality," he says. "It wouldn't see the light of day.... You have to take what you think you can get, and then build on that."

House Bill 2374, proposed by Republican Rep. Roger Beyer of Molalla, prohibits any state funding from being used for abortion services or services necessary to implement the Oregon Death with Dignity Act, a law twice approved by voters.

In short, the Oregon Death with Dignity Act allows doctors to prescribe a lethal dose of medication to patients diagnosed with fewer than six months to live.

Another proposal, submitted by Mannix, would allow the state attorney general's office to review documents filed about patients who utilize the assisted suicide law. The information is currently available to people outside the Oregon Health Division only through court order. Mannix's measure, House Bill 2547, would allow the public to review the information after confidential items have been blocked.

Former state Rep. George Eighmey, a gay man who now heads up Compassion in Dying of Oregon, says the Mannix measure is designed have a "chilling effect" on patients who are pondering using the law, and physicians who may choose to participate.

"It's just a way to impede access," says Eighmey, who served in the House during much of the '90s before being phased out by term limits.

Eighmey recently sent out an e-mail notice alerting friends and associates to the legislative goings-on.

"A few extreme conservatives in the Oregon Legislature are once again attempting to override the will of the voters. In 1997, they sent Measure 16—Death with Dignity—back to the voters because they thought we didn't know what we were doing the first time we passed it," he wrote. "Now they want to send a measure to the voters that will require us to vote affirmatively on ordinances that protect the rights of gays and lesbians. Didn't we tell them with our votes on Measures 9 and 13 that we didn't want to discriminate against Oregonians based upon sexual orientation? When will they learn?"

"These same extremist legislators also say they want to protect the sanctity of government-sanctioned marriages, in many cases their own second, third or fourth marriages.... Do they fear the institution of marriage will be destroyed if it is expanded to include more people?" he asks, adding, "Despite the illogical arguments set forth by these extremist legislators we must recognize that they may well persuade others to follow their lead. We cannot, to our detriment if we do, ignore their latest attacks. We must be prepared to flood the hearing rooms with those who oppose these draconian attacks on gays and lesbians."

Meanwhile, House Speaker Lynn Snodgrass, a Republican from Damascus, says lawmakers should pass a measure requiring doctors to notify parents when teens seek abortions.

In an apparent contradiction, Snodgrass previously told *Just Out* that social issues rank far behind other concerns on her agenda, such as education.

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

As speaker, Snodgrass is a powerful player who dictates which bills go to which committees; what legislation lives, and what dies. (Republicans hold 34 of 60 votes in the House, and control the Senate with 17 of 30 seats.)

In the same article, Senate President Brady Adams, who is from Grants Pass, told *Just Out*: "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."

It appears Adams is wrong, at least with respect to some of his colleagues.

"Right after the election everybody talks about how they are looking forward to having a cooperative, productive session," explains Eighmey, "but within two weeks, the honeymoon is over and the sparks are flying."

Harris says BRO has contracted with M & R Strategic Services to provide lobbying assistance in Salem.

According to Harris, Snodgrass has sent HJR4, HJR5 and HJR6 to the House Judiciary/Civil Law Committee, which is chaired by Republican Lane Shetterly of Dallas.

She says Shetterly has previously supported the Employment Non-Discrimination Act, a state measure that seeks to prohibit employment discrimination based on sexual orientation.

Harris says Snodgrass could have sent the proposals to the Judiciary/Criminal Law Committee, chaired by Mannix.

"We would have been dead there," Harris says, adding, "With Shetterly we may at least have a fighting chance of killing the referrals in committee."

HOW TO
GET INVOLVED

People are encouraged to write their state senators and representatives to express their opposition to the anti-gay referrals. Basic Rights Oregon will send a sample letter to those who request one.

BRO is also planning free lobbying training sessions on Feb. 9, 19 and 23. For more information, call BRO at 222-6151.

The group is also working with the Rural Organizing Project to reach rural communities and coordinate local in-district lobbying for people who can't make it to Salem. For more information, contact ROP at (503) 397-5453 or e-mail Marcy Westerling at ropmarcy@columbia-center.org.



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