

Politics and law may seem to some as dry and lifeless as cracked skin and brittle hair.

But a little trick to burrow beyond such a sensibility is to remember the people behind the politics—those often slightly idiosyncratic committed players who opt for action over couch-potatoism.

Keeston Lowery was an immutable idealist with profuse political savior-faire. He was also a longtime gay activist, an aide to former Portland City Commissioner Mike Lindberg, a major green thumb and a doll of a guy who passed away in August 1993 of AIDS-related complications.

Though dead far too soon, he left an imprint on Portland and its people. Among other things, he helped orchestrate passage of a city ordinance barring discrimination based on sexual orientation.

One October day in 1991, dozens of onlookers crammed into the council chamber and broke into cheers and applause when the commissioners unanimously approved the Lindberg-sponsored measure, which prohibits discrimination in employment, housing and public accommodations based on sexual orientation and source of income.

It was one of those historic moments for both the city and the gay and lesbian community.

In 1996, claiming he was fired from his job because of his sexual orientation, David Sims filed a lawsuit in Circuit Court against the owners of Besaw's Cafe in Northwest Portland, where he had been employed as a cook.

In 1997, a Multnomah County circuit judge dismissed Sims' suit after concluding the city did not have the authority to provide people with the right to sue in state court.

Sims and the city of Portland appealed in 1998, and on Jan. 26, 2000, the Oregon Court

ANOTHER SCORE

Judicial victory for queers and city of Portland, mayor's announcement of partnership registry make for a good week by Inga Sorensen

of Appeals reversed the lower court's decision in a 9-1 ruling.

In short, the appellate court granted access to state court by Portland residents under the city's anti-discrimination ordinance. The case, however, could be appealed to the Oregon Supreme Court.

In its 1998 *Tanner vs. Oregon Health Sciences University* decision, the appellate court concluded that the state constitution prohibits employers from discriminating on the basis of sexual orientation.

Portland's ordinance, however, also bars sexual orientation discrimination in housing and public accommodations. Additionally, the city ordinance allows compensatory and punitive damages, while state law does not.

Portland attorney Lynn Nakamoto, who filed an amicus brief on behalf of the American Civil Liberties Union of Oregon, says: "The [Sims ruling] means people can go into circuit court and get a remedy that is effective."

Madelyn Wessel, Portland's chief deputy city attorney—and the person who argued the appeal—says when she learned of the appellate court ruling, she "felt that grinning smile of Keeston Lowery."

Then, she adds, some "dancing in the halls" ensued.

Like Lowery, Wessel is one of those folks who feel government can help create a better society.

"I hope [the ruling] stands," she tells *Just Out*. "I think it's a wonderful opinion in terms of results, and it's a beautifully written opinion."



Gay rights activist and politico Keeston Lowery receiving one of many accolades during his career

In a concurring opinion, Judge Virginia Linder wrote that the city of Portland had found sexual orientation and source of income discrimination were indeed a problem in Portland: "Public hearings culminated in the council's finding that such discrimination exists and is detrimental to the city's general welfare and the

full participation of its citizens in city life. The council's finding, which it codified, is worth quoting in full: 'The City Council finds that discrimination on the basis of sexual orientation and source of income exists in the City of Portland and that state law does not clearly prohibit such discrimination. It is the intent of the

Council, in the exercise of its powers for the protection of the public health, safety and general welfare, and for the maintenance of peace and good government, that every individual shall have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing and public accommodation be removed.'

Linder continued: "The city's nondiscrimination provisions are far from novel, at least in their fundamental terms. They reflect a now-familiar and commonplace policy of equal access and nondiscrimination in areas basic to the most minimal quality of life in our communities: employment, housing and public accommodation.

"In that regard, it is not surprising that defendants do not dispute the legitimacy of the city's regulatory goal or the city's general authority to legislate to that end. The days of doubting that so-called 'civil rights laws' reflect compelling public interests are long past.... The dispute, correctly, is not

whether nondiscrimination policies are important to the general welfare—they plainly are. Nor is the dispute whether such policy objectives are of compelling interest and importance at municipal levels—they plainly are that too. The only objection is to the remedy devised—that of a private cause of action for damages."

Portland Mayor Vera Katz had her own thoughts to share in response to the ruling.

"We aggressively defended our ordinance, so this is a great day for civil rights in Portland, Oregon," she said. "Gays and lesbians who feel they have been discriminated against should have the same right to vindication and prosecution as anyone else—no more, no less. This victory is an important reminder that we can never give up, and never rest in our fight for equality for all of us."

With her giddiness still intact a day after the ruling, Wessel added: "It's been nine years—nine years!"

■ For questions or comments about *Just Out's Northwest, national or world news coverage*, please send an e-mail to News Editor INGA SORENSEN at inga@justout.com.

IT'S HAPPENING

As we surmised in our Jan. 21 issue, Portland Mayor Vera Katz did in fact go public with the city's and county's intentions to implement a domestic partnership registry.

In her Jan. 28 State of the City address, Katz said: "We must not allow women and minorities to be held back from success in our city—nor should gays, lesbians and transgender Portlanders."

She then added: "I am pleased today to announce that there is support from the Multnomah County Commission and the Portland City Council to implement a domestic partnership registry. A registry can be a useful tool

to assist gays and lesbians in documenting their committed relationship. And it could make it easier for them and their families to obtain health benefits, visitation rights and other basic rights that other families enjoy."

A more detailed registry plan may be unveiled in March or April.

BLAST FROM THE PAST

Gail Shibley—remember her? That's right, she became Oregon's first openly gay state lawmaker back in 1991.

The native Oregonian served three terms in the Legislature before making an unsuccessful bid for the Portland City Council in 1996.

While it seems like she disappeared after that painful loss, Shibley actually went to Washington, D.C., where she currently serves as a public affairs director for the U.S. Department of Transportation's Federal Highway Administration.

Shibley was recently spotted at a political event hosted by the New Hampshire Gay and Lesbian Legislative Caucus.

The gathering featured openly gay Clinton administration appointees—including Fred Hochberg, Todd Dickinson and Bob Hattoy—who spoke to more than 70 New Hampshire queers prior to the Feb. 1 primary. The event aimed to promote Vice President Al Gore's candidacy.

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