

became the first Oregon transsexual to file a complaint of discrimination with the Bureau of Labor and Industries.

I was the first Oregon transsexual to have my complaint of discrimination investigated by BOLI and the first to have a finding of reasonable cause issued in my favor. I also was one of the transsexuals who testified to the Legislature in 1997 when our recently won statewide civil rights protection came under attack.

DEAN KOTULA  
Dorchester, Mass.

**You call this protection?**

TO THE EDITOR:

As it's currently worded, Portland's proposed ordinance prohibiting discrimination on the basis of gender identity promises to be less than effective—and even harmful—to some of us.

Unlike ordinances adopted here in the Pacific Northwest by Benton County, Olympia and Seattle, Portland's proposal doesn't specifically include transsexuals, transvestites or transgenders by direct reference. Consequently, any assertions the proposed language is based on Seattle's ordinance ignore the fact that Seattle's clear and unequivocal references to transpeople have been deleted from Portland's ordinance.

Portland's current prohibition against discrimination on the basis of sexual orientation leaves nothing to chance—so in addition to a reference to "sexual orientation," city ordinance specifically refers to "male or female homosexuality, heterosexuality or bisexuality." Transpeople deserve the same careful inclusion that other sexual minorities enjoy—so transsexuals, transgenders and cross-dressers should be specifically referred to in Portland's ordinance in addition to the proposed definition of

"gender identity" as "a person's actual or perceived sex, including a person's identity, appearance or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the person's sex at birth."

Even more troubling is the fact that Portland proposes "protection" markedly weaker than the dozens of U.S. cities that have implemented clear and unequivocal civil rights protections for transsexuals and other transpeople. Portland's current proposal is filled with exclusions not seen in any other ordinance or statute with which I am acquainted—and I have literally dozens on file.

Portland's proposal would subject transsexuals such as myself to an unprecedented requirement to produce documents to gain admittance to certain public accommodations. Portland's proposal also provides grounds for completely excluding us from public accommodations we now can enjoy.

For example, Portland's proposed prohibition of discrimination specifically does not apply to "policies or regulations involving competitive sports and sports-related records." Although post-operative transsexuals now fully can participate—as their new sex—in an employer's co-ed or same-sex softball teams, Portland's proposed ordinance provides a legal basis for excluding us.

The same goes for the city's own recreation programs. Even the neighborhood bowling alley would have grounds for excluding us from a league should the proposed ordinance be adopted as it now reads.

Portland's unique ordinance also proposes not to invalidate or restrict "policies regarding the use of gender-specific facilities where public nudity is involved that require formal documentation that an individual is transitioned in order to use a facility of their new gender," and the ordinance defines such documentation as "a court order establishing a

change of sex, letter from a reputable surgeon verifying the performance of sex reassignment surgical procedures, passport or birth certificate." So instead of relying upon my Oregon driver's license for identification as I do now, under Portland's proposed ordinance I could be denied access to locker rooms unless I present my birth certificate or the decades-old letter from my surgeon attesting to my sex-reassignment surgery.

And just exactly what does the proposed ordinance mean by "gender-specific facilities where public nudity is involved"? Could I be required to present a passport just to use a multistalled women's restroom? And if a department store customer doesn't think I look sufficiently female, will I have to produce a "court order establishing change of sex" just to access the women's dressing rooms?

Another exclusion from the proposed ordinance's "protection" pertains to "policies or regulations involving sex-segregated housing for persons under the age of 25." With the increasing availability of sex-reassignment surgery, there are young post-operative transsexuals who currently can be admitted to same-sex college dormitories who could be legally turned away under Portland's proposed ordinance.

If Benton County—home to Oregon State University—didn't see any need to exclude dormitories from its law's prohibition of discrimination, why should Portland? And given that Portland doesn't consider sexual orientation grounds for excluding young gays and lesbians from college dormitories, then why should Portland now propose that young post-operative transsexuals be subjected to such discrimination?

Many of the other exclusions cited in Portland's proposed civil rights protections are rife with similar problems—problems that cities and counties across the United States never have encountered and consequently never felt the need to address. Like the Oregon Citizens Alliance's recent "Student Protection Act," Portland's proposed ordinance seems to be a solution in search of a problem.

It is possible to extend civil rights protections to cross-dressers and other transgenders—as well as strengthen protections for pre-operative transsexuals—without undermining the existing rights of post-operative transsexuals. To do so, Portland must be willing to follow the example set by cities and counties—particularly here in the Pacific Northwest—that already have taken a concise and unequivocal stand in support of transpeople's civil rights.

The best of intentions are insufficient to provide the best civil rights protections. We also must trust the accumulated wisdom and experience of governments that have set the standards we should aspire to exceed rather than retreat from.

MARGARET DEIRDRE O'HARTIGAN  
Portland



**just out**  
Welcomes letters to the editor

Letters must be accompanied by a phone number for verification purposes.

Anonymous letters and letters without sufficient contact information will not be published.

**correction**

In the Nov. 17 "Diversion," Ain't Misbehavin' director William Earl Ray was misidentified. *Just Out* regrets the error.

**notables**



What's better than 69? 70! Darcelle became Portland's most fabulous septuagenarian Nov. 16

Fire-Grilled Hanger Steak<sup>®</sup>  
Ale House Jambalaya<sup>®</sup> Wood Oven Fired Pizzas<sup>®</sup> Figs Marsala<sup>®</sup> And More! We're a Non-Smoking Establishment<sup>®</sup> Lunch & Dinner Seven Days a Week! See our review at [www.citysearch.com](http://www.citysearch.com)

A unique dining experience of BridgePort's "Great Furkin Beer" paired with Ale House Specialties like Oven Roasted Halibut<sup>®</sup> Pesto Cream Penne<sup>®</sup> Smoked Trout Salad<sup>®</sup> Jerk Chicken<sup>®</sup>

**BRIDGEPORT ALE HOUSE**

Not your typical brewpub . . .

Check out our NEW MENUS for Lunch, Dinner and Dessert!

BRIDGEPORT BREWING COMPANY'S  
EST. 1997  
**BRIDGEPORT ALE HOUSE**  
3632 SE Hawthorne Blvd.  
[www.bridgeportbrew.com](http://www.bridgeportbrew.com)