

The No on Constitutional Amendment 36 campaign demanded Sept. 14 that Oregon television stations stop broadcasting an advertisement for the Yes on 36 campaign because it falsely states that Ballot Measure 36 "does not change the constitution."

In the ad, a camera pans slowly across an empty law office as the narrator accuses local officials and so-called "activist judges" of trying to overrule Oregon law by issuing marriage licenses to gay and lesbian couples.

"Measure 36 doesn't change the constitution," the narrator says. "It only clarifies what has always been. Marriage is between one man and one woman."

Steve Green, a constitutional law professor at Willamette University, refuted the ad's statement.

"Don't be fooled," he told *Just Out*. "They wouldn't be doing this if it weren't to create some significant change to the constitution."

Green said that not only would the amendment change the letter and the spirit of the constitution, it would "set a precedent for unequal treatment of gays and lesbians" and "creates the presumption that different treatment is the norm."

Green compared arguments in favor to the amendment to those supporting "separate but equal" Jim Crow laws at the turn of the 20th century, which enshrined unequal treatment of African Americans. "We saw how that effected change" and created a second-class system, he said.

In a letter sent to television station managers on behalf of No on 36, attorney Mark Johnson wrote: "A statement that an amendment to the constitution 'doesn't change the constitution' is unambiguously false. The very purpose of an amendment to the constitution is to change the constitution."

The secretary of state's official explanatory statement of Ballot Measure 36 makes it clear that it would change the constitution, stating that a "Yes" vote adds to the Oregon Constitution declaration of policy that only marriage between one man and one woman is valid or legally recognized as marriage," while a "No" vote retains existing constitution without a provision declaring that only marriage between one man and one woman is valid or legally recognized as marriage."

No station has yet agreed to pull the advertisement. No on 36 is reviewing its legal options, said Rebekah Kassell, press secretary for the campaign. While disturbed that the measure's backers would use such blatantly false advertising, she is unruffled by the appearance of ads in support of the amendment.

"It's no surprise that our opposition has a campaign," Kassell told *Just Out*. "We knew they would be on TV and have signs. But we also knew that even with all that we can win. When our message goes head to head with theirs, we win."

FALSE ADVERTISING

Marriage equality foes stoop to new lows

by Meg Daly

The Poll Is in the Eye of the Beholder

The *Portland Tribune* and KOIN-TV released the results of a poll Sept. 21 that showed a majority of voters in Oregon support a constitutional amendment to ban same-sex marriage.

According to the *Tribune*, the poll was conducted from Sept. 13 to 16 by Research 2000 of Rockville, Md. "Pollsters interviewed by telephone 600 likely voters statewide, who vote regularly in state elections," the newspaper wrote.

The poll indicated that 57 percent of Oregon voters support the amendment and that 38 percent oppose it.

Kassell, however, is skeptical. She said the timing of this poll—directly after the Republican National Convention and the launch of the Yes on 36 ad campaign—could have affected results.

"The truth about polls is about how the question is asked, when it's asked and who is asked," she said.

A poll conducted in July for the No on 36 campaign showed distinctly different numbers, with 49 percent of voters saying they would support the amendment and 46 percent saying they would vote against it. The poll was conducted before either campaign was launched.

"I don't believe [the poll] accurately reflects the electorate," Kassell said.

Oregon's First Lady Joins Opponents of 36

Mary Oberst, Oregon's first lady, gathered with constitutional experts Sept. 22 in Eugene to oppose Ballot Measure 36.

"There is nothing less controversial than preserving equal treatment for everyone in our constitution," said Oberst, an attorney who is married to Gov. Ted Kulongoski. "Our constitution is not the place to provide restrictions or limits on our neighbors, family members and friends."

Oberst was joined by attorneys Dom Vetri and Robert H. Fraser and Willamette University law professor Steve Green.



Mary Oberst

"This amendment makes equal treatment of all Oregonians unconstitutional by enshrining unequal treatment of gays and lesbians into our constitution," said Vetri, a law professor at University of Oregon and authority on gay and lesbian legal issues.

Fraser, a former president of the Oregon State Bar Association, added: "One of the things that makes this state—and our country—strong is our ability to disagree without diminishing basic rights for all. Today, gays and lesbians are being targeted for unequal treatment. Who will it be tomorrow?"

Other public officials opposing the amendment include Kulongoski; former Gov. Barbara Roberts; Secretary of State Bill Bradbury; U.S. Sen. Ron Wyden, D-Ore.; U.S. Reps. David Wu and Peter DeFazio, both D-Ore.; former state Rep. Gail Shibley, D-Portland; and the Portland City Council, among many others.

Freudian Slip?

The granddaddy of psychoanalysis, Sigmund Freud, could have had a heyday with a recent slip-up by a prominent supporter of unequal treatment of queers.

KATU-TV reported Sept. 1 that Oregon House Majority Leader Wayne Scott submitted a letter in support of Measure 36 to be included in the Oregon Voters' Pamphlet that contains a statement that runs counter to his opposition to same-sex marriage.

"It's important to affirm what we all thought was already in the Oregon Constitution: Marriage is a sacred covenant between

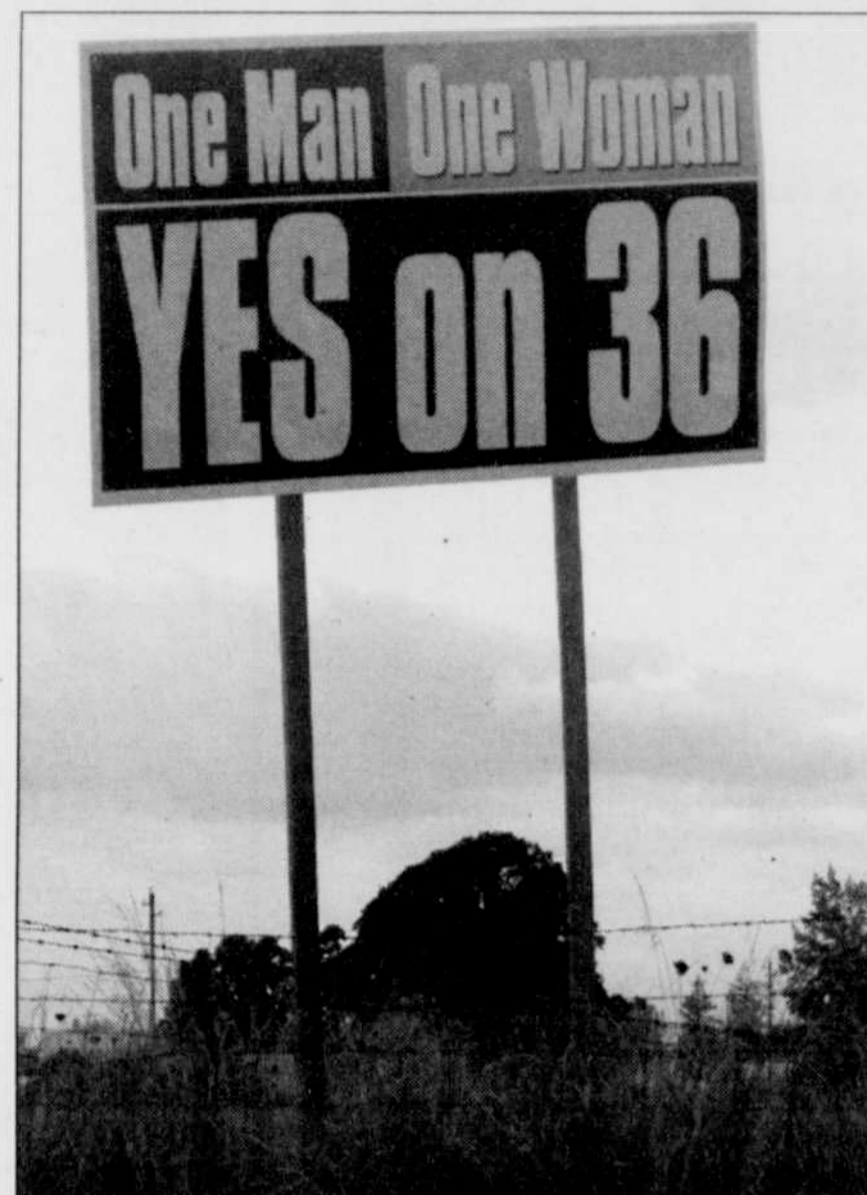


PHOTO BY MARTY DAVIS

The Yes on 36 campaign is running a television advertisement claiming the ballot measure "does not change the constitution"

one man and one woman," Scott's statement is reported to read.

According to Merriam-Webster Dictionary, a Freudian slip is "a slip of the tongue that is motivated by and reveals some unconscious aspect of the mind."

As of press time, Scott had not responded to requests for a comment on what that unconscious aspect of his mind might have been.

Once a letter is submitted for inclusion in the pamphlet, it cannot be rescinded by the author. Voters can view Scott's letter in the forthcoming Oregon Voters' Pamphlet. □

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—Mark Johnson

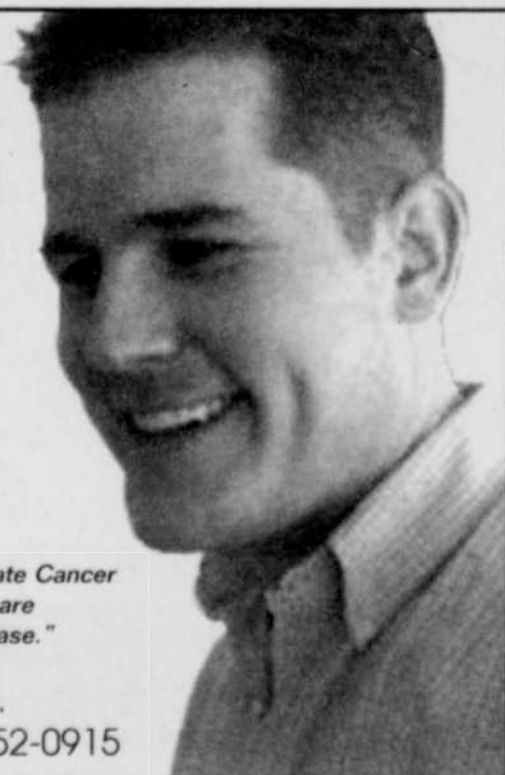
To make a donation or to volunteer, contact the NO ON CONSTITUTIONAL AMENDMENT 36 campaign at 971-244-1399 or www.noon36.com. Free signs and stickers are available, courtesy of TechnoDyke.com, at the Egyptian Club, Haven, Food Fight, In Other Words and It's My Pleasure.

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