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NORTHWESTnews

THE ROAD MAP

Making sense of BRO's next move
by Jaymee R. Cuti

The community recently weighed in on Basic Rights Oregon's most thorough review in the history of the organization.

BRO insiders consulted with coalition partners, political strategists, major donors, activists, legal advisers and the broader community in September. The results formed a road map for the agency's next three years.

"This process represents the most broad-based effort we've ever undertaken in order to collect input and feedback about the organization and the priorities of our activist base," said Rebekah Kassell, spokeswoman for BRO. "We didn't think it was wise to proceed with any sort of plan without being reflective about where the movement was at, what were the things our base thought was most important, most motivated about and what was realistic."

More than 1,000 community members weighed in on the 10-question survey, inquiring about the value of pursuing marriages or civil unions and enacting statewide anti-discrimination law.

One of the most significant results coming from the surveys and discussions is the decision not to pursue a ballot measure in the 2006 midterm election.

"In midterm elections, voter turnout is significantly lower for people who are best on our issues—younger voters and Democratic voters. One of the things we asked was could a campaign like this bring those people to the polls. There was no research or past patterns to show that," said Kassell.

Adding to that was the trend that "yes" campaigns generally cost twice as much as "no" campaigns, so BRO and its base made interim plans.

"The next phase is asking what's the plan and how do we put it into action across the state. We want to engage more people in an in-depth way. We want more leaders to develop. We want to build investment in the movement and in the organization," said Kassell.

This plan includes creating a ballot measure for 2008 and launching a three-year public education campaign about workplace and housing discrimination and bias against couples and families.

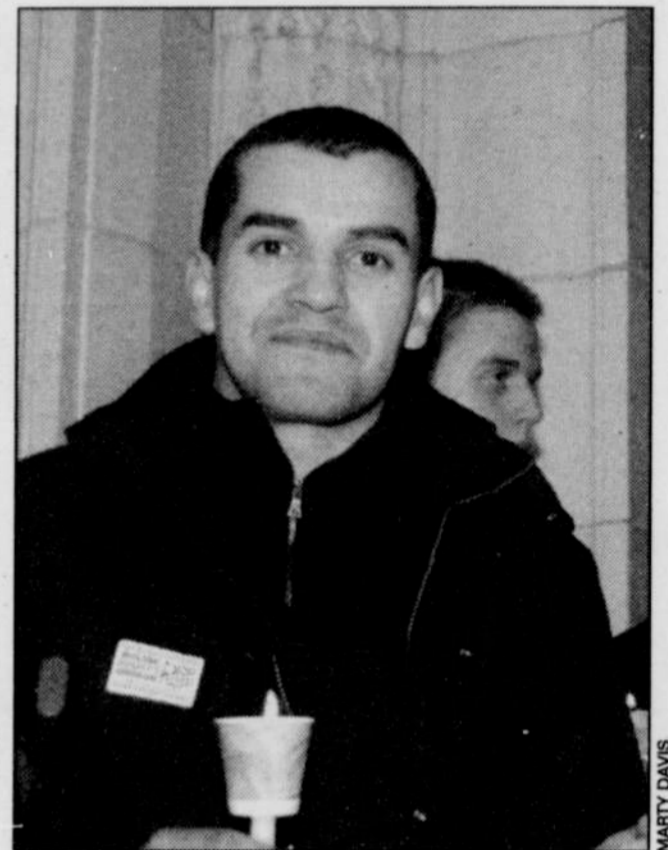
"That will include speakers who speak to all kinds of organizations and engaging faith communities in GLBT issues," said Kassell. "We will have a concrete plan that people can really understand how to plug themselves into it."

Educational efforts may look different from community to community, according to Kassell. BRO plans to add field organizers in southern and central Oregon who will work to pass local ordinances unique to issues in their areas.

"We believe we can make proactive advancements on policy while conducting public education," Kassell said.

The surveys showed that people recognized the importance of electing candidates to office who will advocate for sexual minority issues, another focus of BRO.

"In '06, we will make strategic advancements on legislative seats, defend Senate seats we need to defend and work to win seats in the House, which includes the coalition effort to unseat [House Speaker Karen Minnis, R-Wood Village]. We hope that we continue to make advancements in Oregon court, with our lawsuit challenging Measure 36," Kassell said, referring to the constitutional amendment banning same-sex marriage. "We will also soon proceed with additional litigation over fundamental questions



Juan Martinez is the lead plaintiff in the lawsuit challenging Measure 36.

of whether a state can deny same-sex couples the benefits and protections of marriage."

Oral arguments were heard Sept. 26 in the case of Martinez vs. Kulongoski, a legal challenge to Measure 36 filed on behalf of BRO. The case is based on three major arguments, encompassing both technical and civil rights platforms.

The lawsuit argues that changes to the Oregon Constitution resulting from Measure 36 are so sweeping, they revise, not amend, the document. According to Mark Johnson, the attorney arguing for BRO, this platform will have lasting implications.

"We made an argument to the court that the ballot measure created two classes of citizens, changing the constitution at its core. At its core, Oregonians are all equal. By making such a fundamental change, it revises the constitution," Johnson said. "The beauty of it is, if it works, our opponents won't easily be able to go back to the drawing board with something else."

Secondly, BRO argues that while Measure 36 contains only one sentence, it creates multiple changes that should have been proposed as separate amendments.

The final argument states that Measure 36 inserts a policy statement into the constitution, forces that policy on local and county governments and interferes with the ability of courts to interpret the constitution.

Beckie Lee, co-chairwoman of the BRO board, summed up her interpretation of the lawsuit when she asked, "Isn't this a really fundamental question about whether a group of people, even in the majority, can pass an amendment that takes away rights of the people?"

The case is expected to last at least two years, with final arguments in December. Depending on the judge's decision, BRO is prepared to take the case to the Oregon Court of Appeals and ultimately the Oregon Supreme Court.

"The best-case scenario is we win based on our primary argument that Measure 36 is a revision, because that would end this ugly era of anti-gay measures and undo this horrible amendment," said Kassell. **JR**

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