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In a dark time the eye begins to see.
- Theodore Roethke



TIM CLARK

DESIGNERS OF DRESSES & CONSTITUTIONS

BY KATRIN BRIDGET SNOW

The debate about whether sexual orientation should be included in Oregon's civil rights laws is ultimately a debate about what principles society should be founded upon. It is a struggle to define the social contract that citizens make with one another to live under one government.

In two days of testimony before the House Judiciary Committee in June about Senate Bill 34, a measure that would have included "sexual orientation" in the state's civil rights statutes, citizens from around Oregon pleaded for the principles they hold most dear. These citizens were Jewish and Christian, gay and straight, male and female, from urban and rural Oregon. Many rarely find themselves presenting testimony to their government. Like first grade teacher Kathrome Leonard, they thought hard about how to present their foundational principles to their elected representatives.

"As I was in the bathroom getting dressed I thought, what if I gave them a graphic example, an illustration of how I feel, and wore my dress backwards?" Leonard said. Pondering that morning what the committee members would think about her and her viewpoints if she showed up with her clothes on backwards, Leonard said she arrived at her metaphor. "I decided to follow the designer's design and wear my clothing the way the designer made it to be worn," she said. "And I want you to know that I believe there is a designer. He designed men and he designed women, and he designed how they are to interact with one another." Leonard said government should enforce God's design for relations between men and women.

"The OCA (Oregon Citizens Alliance) equates me with a sex act I'm too busy to commit anyway," objected Katherine English, a former juvenile court judge and school teacher. "But I am much more than a sex act." English and her partner, an assistant attorney general, have raised two children together. As English described it, the choice is whether government encourages integrity or shame among its citizens. "I want to be able to talk about my companion, Janet, whom I love deeply with all my heart and have for 15 years," English said. "I don't

want my children to have to lie about who their parents are and I don't want my parents to have to lie about who their daughters are."

Not lying means being able to speak. In Oregon no law prevents an employer from firing an employee who says he or she is gay. The Oregon Court of Appeals last summer struck down a 1988 antigay rights law applying to state employment on the grounds that it violated free speech. Silverton resident Larry Hall is a public defender concerned about the other side of free speech. "If I, as an evangelical Christian, say 'Homosexuality is wrong,' and it is wrong, then they will say, 'Oh you're inciting prejudice.' And you will be squelching my free speech," he explained. "I care about homosexuals. I care about homosexuals very much. But the thing I care about is that people are practicing this kind of thing are going to burn in a lake of fire forever, and I want them to stay out of that situation."

Hall says he wants a state policy that allows him to freely try to persuade people to do what he is convinced is best for their eternal salvation. Others testified they are looking for justice on earth. Bend resident Ellie Work is a lieutenant in the Oregon National Guard. She faces a possible discharge since coming out as a lesbian in testimony before the Senate Judiciary committee earlier this session.

"Like my mother I have learned that the Constitution is but an ideal," Work said. (Her mother was conscripted into the Hitler youth in Nazi Germany.) "It takes legislation to make it a reality. It takes you. If Senate Bill 34 in this session does not become law, I would like just one -- just one -- legislator who votes against this to call my mother. Tell her why I am not deserving. Tell her that although I served to defend this Constitution, it won't defend me."

The same Constitution that defends Work's right to equal treatment under the law defends the right of OCA members to believe Work is wrong. How government treats that friction is more important than anyone's individual beliefs,

said Rabbi Emanuel Rose of Portland. "We have an obligation as citizens of this country to put up with all kinds of things that we may personally consider to be outrageous," he said. "I have had to stand by repeatedly and not legally challenge the right of Nazis to march in the streets of this country expressing their vicious and hate-filled expressions about my religion and my co-religionists....The question before us is whether or not we are strong enough to believe in and support the principles of this nation regardless of our own personal or theological beliefs. Because of the uniqueness of this great country, this question soars above theology, it soars above scientific information, it soars above everything else."

But opponents of Senate Bill 34 argued just the opposite. Bill Casey is with the Traditional Values Coalition. "I think that I'd like to (address) this word discrimination," he said. "I think that we allow ourselves to become emotionally handicapped when we try to constantly argue that we're not being discriminatory. Because quite frankly we do it all the time. When we discriminate, we discern, and when you're discerning between something that is right and wrong, that's a very good thing to do."

Senate Bill 34 died in committee. Lawmakers substituted and passed a law preventing local governments from enforcing laws that single out gay people. Though many lawmakers professed to believe at the time that such a ban would stop the bitter gay rights battle in Oregon, it hasn't. Critics warned then, and it appears to be proving true, that the questions and principles at stake on both sides are too big to be contained by a simple order to stop fighting.

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