

Oregon's other gay record

Oregon has seen an estimated 35 anti-gay ballot measures in recent history, and those keeping count say that's likely more than any other state in the country. Oregon is now staring down No. 36.

The Friends of Religious Freedom has filed for yet another anti-gay ballot measure. This one would carve out an exception to Oregon's anti-discrimination allowing individuals and businesses to refuse to provide commercial services to same-sex weddings or similar ceremonies. For a look at how far we've come, and where we're going again, here is a synopsis of Oregon's anti-gay ballot measures based on an article by George T. Nicola of the Gay & Lesbian Archives of the Pacific Northwest (GLAPN).

1978: City of Eugene Measure 51

For years, Eugene's gay community tried to have sexual orientation added to the city's list of prohibited discrimination. In 1977, they succeeded. According to the report by *The Oregonian*, the "measure prohibited discrimination on the basis of sexual orientation in the areas of employment, housing and public accommodations within the city."

The following year, a group called VOICE (Volunteers Organizing and Involved in Community Enactment) collected signatures for a referendum to repeal the ordinance on the ballot. It won by a 29 percent margin, repealing the civil right protection.

About two decades later, the city of Eugene again passed an ordinance that banned discrimination based on sexual orientation. This time, the law was not challenged and remained on the books.

1988: State of Oregon Measure 8

In 1988, Gov. Neil Goldschmidt issued an executive order that banned discrimination based on sexual orientation in the executive department of state government. *The Oregonian* described the order as "dealing with sexual orientation and the state government workplace." The newspaper stated that "This included both personnel actions and the delivery of services to the public. The order didn't apply to state employees not under Goldschmidt's control, such as judicial workers."

Goldschmidt's order was overturned by Ballot Measure 8, sponsored by a group called the Oregon Citizens Alliance (OCA). Measure 8 also prohibited any state official in the future from requiring non-discrimination against state employees based on sexual orientation. This initiative won by a 5.4 percent margin. Harriet P. Merrick, a lesbian and an employee of the University of Oregon, took the new law to court in cooperation with the American Civil Liberties Union of Oregon. In *Merrick v. Oregon*, 1992, the Oregon Court of Appeals ruled Measure 8 unconstitutional because its effect was "to restrain the right of free expression."

1992: State of Oregon Measure 9

The Oregon Citizens Alliance sponsored Ballot Measure 9 in 1992. The measure was titled "Government Cannot Facilitate, Must Discourage Homosexuality, Other Behaviors."

Measure 9 would have amended the Oregon Constitution to ban civil rights protection based on sexual orientation. It mandated that schools "shall assist in setting a standard for Oregon's youth that recognizes homosexuality, pedophilia, sadism and masochism as abnormal, wrong, unnatural, and perverse and that these behaviors are to be discouraged and avoided." A section of the measure stating the government could not "promote, encourage, or facilitate homosexuality" could have had many negative results, such as banning gay-positive books from public libraries.

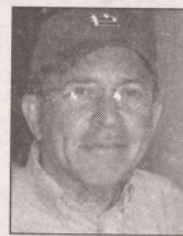
Opposition to the measure was bipartisan and included people of many faiths, identities and ethnicities. Gay men and lesbians came out to people they knew. Straight people increasingly realized that we are their friends, their family, their neighbors, their coworkers. Oregonians began to understand that when gay people as a group are being threatened, someone they love is probably being threatened.

Voters defeated Measure 9 by a nearly 13 percent margin.

1992 to 1994: Local measures similar to Measure 9

Both before and after the statewide Measure 9, the Oregon Citizens Alliance took local action. Initiatives similar to Measure 9, were placed on the ballots of 29 Oregon cities and counties. They included Cornelius, Gresham, Cottage Grove, Kiezer, Oregon City, Canby, Estacada, Grants Pass, Junction City, Douglas County, Josephine County, Klamath County, Linn County and many others. However, it is difficult to arrive at exact details because there is no one primary online source to research local elections. The vast majority of measures passed, some by huge margins.

These local initiatives all appear to be similar to each other. Like the statewide measure, they forbade civil rights protection



George T. Nicola came out in 1970 through the Portland Gay Liberation Front, Oregon's first political gay organization. In 1973, George wrote and lobbied for Oregon House Bill

2930, the state's first bill that would have banned discrimination based on sexual orientation. It failed House passage by just two votes short of a majority. It was a building block in what would become Oregon's large LGBTQ movement. More recently, Nicola has been writing the history of Oregon's LGBTQ movement through the Gay & Lesbian Archives of the Pacific Northwest (GLAPN). For more information on GLAPN, please visit glapn.org/

based on sexual orientation and prohibited public money from being spent to "promote" homosexuality. However, they apparently differed from the statewide initiative in that the local measures did not require an anti-gay curriculum in the schools.

In 1993, the Oregon Legislature invalidated these local measures with House Bill 3500, which prohibits local measures that "single out citizens or groups of citizens on account of sexual orientation." The law was upheld by the Oregon Supreme Court in 1995.

1994: State of Oregon Measure 13

The Oregon Citizens Alliance went on to sponsor more statewide initiatives. In 1994, Ballot Measure 13 was titled: "Amends Constitution: Governments Cannot Approve, Create Classifications Based on, Homosexuality." The ACLU labeled this measure the "Son of 9" because it essentially did the same thing: legalized the "discrimination, censorship and government intervention in our families, schools, workplaces and daily lives." This measure failed by a 3 percent margin.

2000: State of Oregon Measure 9

In 2000, the Oregon Citizens Alliance sponsored its last statewide anti-gay initiative, also named Measure 9: "Prohibits Public School Instruction Encouraging, Promoting, Sanctioning Homosexual, Bisexual Behaviors." The meaning of "encouraging, promoting and sanctioning" was left open to interpretation.

The Oregon Parent Teachers Association submitted an opposition statement in the Voters' Pamphlet clarifying that "There is

no curriculum in Oregon public schools that 'encourages or promotes' homosexuality or bisexuality." The statement warned that "this measure endangers the health of our children and the quality of our schools." It also cautioned that the measure

would cut, "access to all health education related to sexuality including abstinence, birth control, sexually transmitted diseases, and HIV/AIDS. It would deny all students information they need to make responsible, healthy choices. (It would cut) Counseling or support programs for all adolescent students, making it even more difficult for teenagers to come to terms with their sexuality or for counselors to give teenagers information about support groups. ... We can't let the agenda of one extremist organization endanger the health of our children and the quality of their schools."

This initiative lost by a 5.7 percent margin.

2004: State of Oregon Measure 36

The most recent anti-gay measure, Measure 36, was sponsored by a group called the Defense of Marriage Coalition. Its purpose was to ban same sex marriage in Oregon by amending the state's constitution.

The amendment text is: "It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage."

The Measure passed by a substantial 14 percent margin.

When it was challenged through a lawsuit, *Martinez v. Kulongoski*, the measure was affirmed by the Oregon Court of Appeals.

The decision was appealed to the Oregon Supreme Court, but the high court denied the petition to hear the case.

Oregon United for Marriage is currently engaged in a campaign to repeal the amendment.



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