

Legislation bars 'gay panic' as a defense in murder cases

By Peter Wong
Oregon Capital Bureau

A suspect could not assert so-called "gay panic" as a legal defense against second-degree murder in Oregon under a bill that is headed to Gov. Kate Brown.

The Oregon House passed Senate Bill 704 without amendment on a 54-0 vote Thursday.

The bill would bar the discovery of a victim's sexual orientation or gender identity as a reasonable explanation for someone undergoing an extreme emotional disturbance as an affirmative defense to second-degree murder. A person would not be justified in using physical force against another person upon discovery of the victim's sexual orientation or gender identity.

Oregon would join 13 other states, plus Washington, D.C., with similar laws. The Senate passed it, 29-1, on April 14; Republican Dallas Heard of Roseburg was the lone opponent.

Though Senate Bill 704 does not bear anyone's name unlike bills in other states, its passage comes less than a year after the stabbing death of Aja Raquell Rhone-Stevens, a 32-year-old transgender woman, in July 2020 in Northeast Portland. She was attending a vigil for another homicide victim. No one has been arrested in connection with the case.

She was one of a record 44 deaths tallied in 2020 by the Human Rights Campaign, a national advocacy group for lesbian, gay, bisexual, transgender and questioning (LGBTQ) people. Many of the victims are transgender people of color. The organization has tallied 23 deaths so far this year.

"When we finally see justice for Aja's murder, we can ensure that, when we show up to the courtroom, her memory won't be insulted by someone trying to use the panic defense to justify her death," Dana Spears, her sister, said in a statement after the House vote. "I'm thankful to everyone in the community who used their voice for Aja, and saw this bill passed."

It was one of the priorities of Basic Rights Oregon, the state's leading LGBTQ advocacy group.

"This legislation states, unequivocally, in Oregon, there is never an excuse for violence against transgender people," Mikki Gillette said on behalf of the group.

Under current state law, a suspect can assert an affirmative defense to second-degree murder if the extreme emo-

tional disturbance is not the result of the person's own intentional, knowing, reckless or criminally negligent act and if there is a reasonable explanation for the disturbance.

"These cases often involve incredible and brutal acts of violence," Rep. Karin Power, D-Milwaukie, the bill's floor manager, said during House debate. "Defendants use these defenses to avoid full accountability on the grounds that actual or perceived sexual orientation or gender identity is reasonable in and of itself to be considered adequate provocation."

"Passage of this bill would send a strong and proactive message that the perpetrator of a second-degree murder will not be able to excuse the crime simply based on who the victim is."

Power, a lesbian, is one of four House chief sponsors of the bill.

So is Rep. Rob Nosse, D-Portland, who has identified himself as gay for 30 years. He said he considered himself lucky that he was unable to think of a negative long-term consequence to himself or his husband for being gay.

"But I know that is not true for every LGBT person in our state and country," he said.

Nosse described the 2020 death of Rhone-Stevens.

"When we finally see justice for her murder, we want to ensure that we can show up to the courtroom and her memory is not insulted by someone trying to use the panic defense for her death," he said.

Also a chief sponsor is Rep. Janeen Sollman, D-Hillsboro, who said transgender women of color are more likely to be the targets of violence.

"Many of these attacks are motivated by nothing other than the victim's gender or orientation," she said. "I have heard from constituents, friends and family on how important the passage of this bill is to them," including a nephew who sent her a text message.

"I was proud to say to him that I do know," she said.

Rep. Anna Williams is a Democrat from Hood River whose district includes Sandy, where a gay pride rally drew a counterprotest barely two months ago.

"A law that excuses criminal behavior against certain groups of people is essentially a law that diminishes the humanity of that group," Williams said. "The existence of the LGBTQ panic defense means that as a state, we sanction violence against members of this community."

Bentz backs ouster of Cheney from GOP leadership

By Gary A. Warner
Oregon Capital Bureau

Oregon's lone Republican in Congress said his party's House caucus will be better focused now that it has removed an outspoken critic of former President Donald Trump from its leadership.

U.S. Rep. Cliff Bentz, R-Ontario, declined to respond to a direct question of whether he voted May 12 to remove U.S. Rep. Liz Cheney, R-Wyoming, as the GOP House Conference Chair.

But in a statement after the caucus meeting where a voice vote removed Cheney, Bentz praised the result as positive for Republicans in the narrow 222-212 minority in the House.

"If we are to win back the House in 2022, the Republican Caucus must be unified, and we must focus on the real problems the country is facing," Bentz said in a statement.

It was a reversal of Bentz's earlier stance backing Cheney following her vote to impeach Trump for "incitement to insurrection" by encouraging the Jan. 6 riot at the U.S. Capitol that left five dead.

A longtime Republican state lawmaker from Ontario, Bentz was elected in November 2020 to represent Oregon's 2nd Congressional District, which takes in most of eastern, central and parts of southwestern Oregon.

Bentz replaced U.S. Rep. Greg Walden, R-Hood River, who retired following 20 years in the House. Like Walden, Bentz is the lone Republican in the Oregon congressional delegation that includes two senators and the other four House members.

After he lost his re-election bid for the White House to Democrat Joe Biden, Trump continued to tout conspiracy theories. He also promoted debunked claims that the election had been stolen from him by widespread voter fraud.

Bentz had been among a group of incoming GOP lawmakers who issued a statement in December calling for "a congressional investigation and review into what has happened in states where election irregularities have been observed."

On Jan. 6, Bentz came to the Capitol planning to challenge the certification by Congress of the Electoral College votes in Pennsylvania. A mob of pro-Trump rioters stormed the Capitol, forcing lawmakers into hiding as they ransacked

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—Rep. Cliff Bentz, R-Oregon

the chambers and fought with police.

Several hundred rioters are being prosecuted for a wide range of assault and other charges stemming from the attack.



Rep. Cliff Bentz

After National Guard troops and police removed the last rioters several hours later, Bentz joined other Republicans in challenging Pennsylvania's vote. Rep. Conor Lamb, D-Pennsylvania, dismissed the objections by Bentz and other Republicans as "lies" that killed people that day.

"These objections don't deserve an ounce of respect, not an ounce," Lamb said. "Let's be clear about what happened in this chamber today — invaders came in for the first time since the War of 1812. They desecrated these halls, in this chamber, and practically every inch of ground where we work."

Congress rejected the challenges to Pennsylvania and other votes and certified the election of Biden as president and Kamala Harris as vice president.

In a press release issued just before 4 a.m. the day after the riot, Bentz said that the certification meant Biden was the legally elected president. He said he had questioned the outcome because he had heard from constituents who believed the election was tainted by unspecified fraud.

"My goal was to protect the integrity of our elections and to prompt all states to uphold election laws as determined by their state legislatures — all in accordance with our Constitution," Bentz said.

Soon after the siege, Bentz sided with House Republican leaders who sought to derail efforts to punish 10 Republicans who voted to impeach Trump for "incitement to riot."

Cheney, a former state department official and daughter of former Vice President Dick Cheney, was the most high-profile Republican to favor the impeachment of Trump.

Bentz initially helped House Minority Leader Kevin McCarthy, R-California, repulse an attempt on Feb. 3 by the Freedom Caucus, the par-

ty's most conservative House members, to remove Cheney for her impeachment vote.

In a closed-door meeting, Cheney told colleagues, "I won't apologize for the vote," according to the Associated Press.

McCarthy, who himself had said Trump bore responsibility for some of the turmoil on Jan. 6, said he accepted Cheney's explanation.

"Liz has the right to vote her conscience," McCarthy said. "At the end of the day, we'll get united."

Bentz said he was convinced by Cheney's argument that she had voted as an individual House member, not in her role as conference chair.

Immediately after the attack, criticism of Trump was not rare.

Sen. Mitch McConnell, R-Kentucky, took to the Senate floor to slam the president he had aided through numerous political and judicial battles over the prior four years.

"We'll either hasten down a poisonous path where only the winners of an election actually accept the results, or show we can still muster the patriotic courage that our forebears showed, not only in victory, but in defeat," McConnell said. "If this election were overturned by mere allegations from the losing side, our democracy would enter a death spiral."

But after Biden's inauguration on Feb. 20, much of the Republican criticism of Trump ceased. McConnell, now minority leader, made no more public rebukes. McCarthy sought Trump's favor, while the Freedom Caucus launched plans for primary challenges against Cheney and GOP House members who voted to impeach.

Cheney said she was alarmed by the party's turning away from such recent events that she found devastating to the core institutions of American democracy.

In frequent statements, Cheney repeated her call for the party to reject Trump as the first step in rehabilitating the image of Republicans as a part of the long history of peaceful two-party government.

Cheney wrote a guest opinion piece for the Washington Post last month, saying the party "is at a turning

point, and Republicans must decide whether we are going to choose truth and fidelity to the Constitution."

While Cheney saw GOP silence as breaking trust with Americans, the House Republican Caucus increasingly looked at her drumbeat of criticism of Trump as undercutting her role as the face and voice of Republican policy in the House.

Bentz joined with McCarthy, other former Cheney backers and the already disenchanted Freedom Caucus to question Cheney's effectiveness as a GOP leader.

In a speech to a nearly empty chamber earlier this week, Cheney seemed resigned to her fate, but would continue to call on the party to dump Trump as its leader.

"We must speak the truth — our election was not stolen and America has not failed," Cheney said.

Cheney said she had made a promise to uphold the U.S. Constitution, not perpetuate the rule of one president who refused to admit defeat — no matter the cost.

"This is not about partisanship," Cheney said. "This is about our duty as Americans. Remaining silent and ignoring the lie emboldens the liar."

It took the House Republican Caucus a little over 20 minutes on Wednesday to vote Cheney out.

Cheney said afterward that, if Trump runs for the White House in 2024 as he has suggested, "I will do everything I can to ensure that the former president never again gets anywhere near the Oval Office."

Bentz says he backs the choice of U.S. Rep. Elise Stefanik, R-New York, to replace Cheney. Stefanik is endorsed by both McCarthy and his top lieutenant, U.S. Rep. Steve Scalise, R-Louisiana.

Some Freedom Caucus members sought to derail Stefanik's rise, saying earlier votes against Trump's tax cuts and some immigration policies showed a moderate streak out of step with the caucus.

But Stefanik has risen as an ardent Trump backer since the then-president's first impeachment trial in early 2020. Trump himself has called Stefanik "a winner."

In his statement on Tuesday, Bentz said Stefanik would put the party's focus on fighting Biden.

"There is no doubt in my mind that Congresswoman Stefanik, with Leader McCarthy and Whip Scalise, will look forward, not back, and that together Republicans will win back the House in 2022."

Pendleton housing plan sent to Senate for final vote

By Gary A. Warner
Oregon Capital Bureau

Pendleton would join Bend and Redmond in an affordable housing pilot program under a bill now one step from legislative approval.

The Senate Committee on Natural Resources and Wildfire Recovery on Monday approved House Bill 2160 by a vote of 4-1.

The bill now goes to the full Senate for final approval. It's

expected to win overwhelming approval sometime in the next few weeks.

The legislation would add Pendleton to a state pilot program that allows cities to experiment with affordable housing projects beyond their urban growth boundaries. Advocates say the pilot projects could be a model for widespread use around the state in the future.

House Bill 2160, sponsored by Rep. Bobby Levy, R-Echo, would greenlight Land Conser-

vation and Development Commission approval for an eventual plan to build on up to 50 acres outside of Pendleton's current development limits.

The bill passed the House unanimously last month.

Bend was the first city to receive approval for a project outside of the UGB, which usually requires a longer, more rigorous review process. Redmond joined the program as the second project, and if approved, Pendleton would become the third.

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