

Homosexual rights wins Oregon round

Judges rule jurisdiction belongs to state

By Valerie Richardson
THE WASHINGTON TIMES

The Oregon Court of Appeals yesterday upheld a state law prohibiting local communities from passing anti-homosexual-rights ordinances.

The three-judge panel, writing from the state capital in Salem, ruled that state legislators may overrule local jurisdictions on the issue. In 1994, the legislature passed a law prohibiting localities from approving laws on homosexual rights.

The law was aimed at stopping the Oregon Citizens Alliance's campaign to get towns and counties to pass anti-homosexual-rights measures. Since 1992, 26 Oregon towns and counties have approved such laws, said OCA spokesman Scott Lively.

"We're very disappointed, but not really surprised," Mr. Lively said of yesterday's court decision, adding that the organization will appeal the decision to the Oregon Supreme Court.

Julie Davis, executive director of Basic Rights Oregon, praised the court's decision but added that the battle over homosexual rights is far from over.

"We view this as one small victory in a much larger battle to stop the OCA from writing discrimination into Oregon law," she said. "This doesn't stop them from putting another Measure 9 or Measure 13 on the ballot."

Those measures were OCA-sponsored, statewide initiatives defeated by the voters in 1992 and 1994. The organization has already filed to place another measure on the 1996 state ballot.

The court's decision came as another in a series of judicial setbacks for anti-homosexual-rights

forces. In several states, voters have approved state or local initiatives barring homosexuals from gaining protected-class status under civil rights laws, only to have the measures overturned later.

Advocates on both sides are awaiting a definitive ruling from the U.S. Supreme Court, which this year agreed to hear arguments on the constitutionality of Amendment 2, the statewide Colorado initiative approved by voters in 1992 and later struck down by the Colorado Supreme Court.

Anti-homosexual-rights organizers argue that judges' propensity to strike down the voter-sanctioned measures presents a real threat to the democratic process. In Oregon, Mr. Lively said the court's decision to place the legislature ahead of the initiative pushes the will of the voters further from the decision-making process.

"The bigger issue on this whole issue is home rule," said Mr. Lively. "This has a profoundly negative effect on the idea of home rule. It takes power out of the hands of the people and puts it into the hands of the legislature."

Miss Davis called that argument "a smoke screen." "What they're saying is that it's OK in some cities and counties to discriminate against some people," she said.

The Oregon law, which states that a political subdivision may not grant "special rights" to a class of people, has also been the subject of intense debate for another reason. Mr. Lively noted that the law has been used only to nullify anti-homosexual-rights laws. Pro-homosexual-rights ordinances in other jurisdictions, including Portland, Corvallis and Ashland, remain on the books.