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OLA's Position Paper on the OCA Gay Rights Initiative

Draft: March 1996

The third statewide initiative by the Oregon Citizens Alliance (OCA) to restrict gay civil rights in Oregon is currently being circulated. If 97,000 valid signatures are obtained by the OCA, the initiative will be placed on the November 1996 general election ballot. July 1996 is the deadline for collection of signatures.

What the Initiative Says

In general, the measure is a rehash of the OCA's earlier proposals, with more of the initial extravagant language toned down. The intent, however, is exactly the same as before: to curtail the civil rights of gays and lesbians, and to establish anti-gay attitudes as public policy in Oregon.

The summary ballot question reads: "Shall constitution forbid basing civil rights on homosexuality, other sexual behaviors, desires; bar spending public funds in way approving homosexuality."

The measure bans minority status on the basis of sexual behavior; maintains opposition to homosexuality is a right of conscience and not discrimination; forbids expenditure of public funds in a manner that has the purpose or effect of approving homosexuality; bans marital status or spousal benefits on the basis of homosexuality; permits award of licenses, permits, services, and benefits to homosexuals; declares a person's private, lawful sexual behavior to be non-job related; and declares that material expressing approval of homosexuality in a public library must pass review under local community standards, and may be available to minors only under parental supervision.

How the Initiative Would Affect Libraries

If no public funds may be expended that have the purpose or effect of expressing approval of homosexuality, then two points are immediately clear:

- A school, public, or academic library may not acquire any new material that addresses homosexuality in a neutral or approving manner, which would include, of course, reference works and scholarly and research publications in medicine and psychology.
- The test of expressing approval would have to be applied, using local community standards, to all existing library holdings—book by book, article by article.

Keeping a book on a shelf costs money, however small the amount. Spending money, then, on Walt Whitman's "Leaves of Grass" to maintain it on the shelf (utilities, dusting, etc.) would constitute a clear violation of the measure.

That being the case, Oregon libraries would have to purge their collections under the clear direction of Section 1, Sub (1) of the initiative. If, however, a court were to "grandfather" a public library's existing collection, Section 4 would become viable.

Section 4 says that material in public libraries expressing approval of homosexuality must be "kept from minors," with access available only under parental supervision. Even then, such material would have to pass a review process under the test of "local community standards."

Libraries would be confronted with an administrative nightmare:

- The entire collection would have to be inventoried for possible approval of homosexuality.
- Material dealing with homosexuality but passing the scrutiny of review would have to be segregated to keep it from minors.
- Such material would have to be readily available to adults who might wish to preview it or permit their children to see it under their direct supervision.

Under the most sympathetic reading, the OCA initiative is a mish-mash of contradictory and illogical statements. Inventories of existing collections and screenings of acquisitions would impose impossible and costly burdens on libraries, even assuming that rational judgments could be made about whether a given piece of writing expressed approval of homosexuality.

If an item expressed approval of homosexuality, but passed local community standards, how could it be kept in the collection without having public funds expended to maintain it? What kind of a system could possibly be devised that would segregate material that was neutral or approving of homosexuality to keep it from youngsters but yet be available to them and their parents?

Position of the Oregon Library Association

The Oregon Library Association opposes the OCA initiative from both practical and philosophical standpoints.

The initiative would require public libraries to search their collections for language that might be construed as expressing approval of homosexuality, to screen all potential acquisitions using the same stringent test, and to segregate portions of the collections so that access could be restricted from minors without their parents. Such requirements would be virtually impossible to implement.

Philosophically, the OLA believes that libraries must have diverse collections representing all points of view. In a free society, it is up to individuals to choose among the materials they find on their library shelves, and to take responsibility for the choices of their minor children. It is not the responsibility of government to decide what Oregonians can and cannot read, listen to, or view.

The OLA will oppose this OCA initiative and any other such measures that seek to take away our freedom to select from a diversity of material in our libraries. 