

Charles Hinkle

SR 11450, Oral History,

by Nishant Mehra, Nathan Guynn & Michael Pratt

Gay and Lesbian Archives of the Pacific Northwest (GLAPN)

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NM: Nishant Mehra

NG: Nathan Guynn

MP: Michael Pratt

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This oral history interview was conducted as part of the Portland State University LGBT History Capstone course, Spring Term 2010, with Instructor Pat Young.

Introduction

Interview was conducted at the offices of Stoel Rives in downtown Portland, Oregon. Charles Hinkle is Oregon's premier First Amendment lawyer who has done extensive work with the ACLU for freedom of speech, separation of church and state and equal rights laws in the state of Oregon. He has worked extensively in support of gay rights throughout the years and many of his accomplishments were documented in a previous interview, which is also a part of the Oregon Historical Society's archives. In this interview we focused a bit more on the latter part of his career, specifically the campaign against Ballot Measure 9 in 1992 and the state of the evolution of the gay rights movement over the last 20 years or so.

Session 1
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MP: Today Wednesday May 13th, 2009 Michael Pratt, Nathan Guynn and Nashant Mehra are here with Charles Hinkle a well known lawyer who specializes in First Amendment, Separation of Church and State and Equal Rights work. Can you tell us a little about your background and how you came to be involved in Oregon Politics?

HINKLE: Well, I was born in Oregon and was raised here. I left here to go to college and seminary school and then I came back to Oregon. The teaching experience I had was in Morehouse College in Georgia in 1966/67, which was an all black school, and I lived in that black community during a rather interesting time in the civil rights movement and got involved in it down there, the political side of it.

There was a guy named Lester Maddox running for governor of Georgia. His nickname was Axe-handle Lester because he had a chicken restaurant and he passed out, he distributed, axe handles to all of his white customers so they could use them to keep black people from coming to the restaurant. So, it was on that kind of platform that he was elected governor from Georgia that fall and all of my friends and the black community I lived in, of course, were very active in defeating him. So I was in seminary at the time, I had a year out for this teaching experience, and that's when I decided I wanted to get more - I wanted to get legal training so I could be involved in civil rights and civil liberties work while keeping half of a foot in the church and the religious community.

So that's what I've done, I am an ordained minister in the United Church of Christ and have been an associate minister in a church. The last few years I have just been teaching adult bible classes but I do a lot of substitute preaching for people who are on

vacation or whatever but my main, I have made a living as a lawyer, so my main practice is as a lawyer, all my church work is as a volunteer.

So when I got back to Oregon in 1971 I got involved with the ACLU and started taking ACLU cases right away and have been the most active ACLU lawyer in Oregon the last 8 years and have not only litigating for them but also testifying for them and making lots of speeches for them on lots of topics and lobbying in Salem, serving on their board and so forth.

MP: That's fantastic. I know you have been interviewed previously by another group so I don't want to cover too much of the early years but I wanted to sort of establish where you came from for anyone who hasn't actually read the other interview. Today we'd like to focus a little bit more on some of your later work, particularly the late 80's and 90's and in particular Ballot Measure 9. Can you tell us how you first became aware of the Oregon Citizen's Alliance, the OCA, and groups like that in Oregon?

HINKLE: Well I don't remember the exact inception of it, but I was involved in the Measure 8 campaign in 1988. That was the OCA's first ballot measure and I was on the Speaker's Bureau and made a lot of speeches that year in the campaign.

I'm trying to remember now whether the ACLU had really gotten started very active yet in challenging ballot titles. In chapter 2 of the OCA's endeavors which was Ballot Measure 9 we were very active in challenging ballot titles because it's very important as to how a measure is phrased on a ballot. I don't recall that we did that for measure 8, although we may have. I'd have to, I'm sorry I should have done a little more homework. We may have done that because I do remember there's a Ballot Title challenge called ACLU against Roberts and it very well may have been a challenge to that measure in 1988, but in any event that was the OCA's first measure. It was successful; it's the only measure that the OCA ever succeeded at passing and getting the voters to adopt and

immediately after it was adopted I was the lawyer, I lead the team of lawyers, but I was the principle lawyer who filed a constitutional challenge to that measure and we got it declared unconstitutional by the Oregon court of appeals 2 or 3 years later.

NG: Just for the record can I ask if you could just briefly state what Measure 8 was all about.

HINKLE: Yes, Measure 8 was a response to Governor Goldschmidt's executive order that banned discrimination on the basis of sexual orientation in the executive branch of state government. Measure 8 did 2 things: it repealed that executive order and it placed in Oregon Statutes a statute that said nobody could do that again. 'The state government shall never enact any law that prohibits discrimination on the basis of sexual orientation.' That's not the exact wording but that was the thrust of it. We had no standing, no one had standing to challenge the first part of the measure - that is the repeal of the executive order - the governor might have, but we did not. But we did have standing to challenge the 2nd part of it because that affected every state employee because it said that, it guaranteed that state employees could never be protected on the basis of their sexual orientation in terms of job discrimination. So a woman who at the time was an employee of the state library system, (or maybe she was at the U of O library; I know she was at a library somehow and in a public employment position in a library), she was our plaintiff and as I said we persuaded the court of appeals to declare it unconstitutional. So the OCA had a political victory but it suffered a legal defeat.

But the political victory was what they were after because it gave them great impetus to go for measure 9 then. They were really feeling their oats after 1988 and this great victory, and having accomplished what they thought was slamming the door in the face of gay rights they turned their attention to abortion and they figured they would do the same thing with abortion rights. So in 1990 they put, they turned away from gay rights and they put an anti-abortion initiative on the ballot and they were rather soundly

defeated. So, they went back to what they considered their bread and butter – beating the horse of gay rights because they didn't get any traction on the abortion issue.

This was the OCA was the only way that Lon Mabon could ever make a living. He had been a failed businessman in one or two prior endeavors. So, getting the cash flow through Oregon Citizen's Alliance was extremely important for Lon Mabon personally and abortion wasn't doing it for him so he had to go back to the gay rights issue and that's why he put Measure 9 on the ballot in 1992.

There was no great 'threat', using that word from his point of view, that gays and lesbians were about to take over the state of Oregon because we had failed for 20 years to get a measure through the state legislature to ban discrimination on the basis of sexual orientation. So it really was, you know, from the anti-gay rights point of view there really wasn't much to worry about. But, and he wasn't worried, he was just flogging it for his own personal political and economic gain.

NG: It seems like he was just kind of stoking the fire. Yeah, exactly I mean nothing had gone through.

HINKLE: Yeah

NG: So why was, you know...

HINKLE: What was he so worried about?

NG: ...why was he so worried about, or the OCA, what were they so worried about?

HINKLE: That's what I always, often asked him in our debates because he and I debated many times during the course of the campaign: "What are you so worried about?"

“What are you so afraid of, Lon?” and of course he would hem and haw and never really answer that question. But anyway, Measure 8 in 1988 led to measure 9 in 1992...

NM: and was defeated?

HINKLE: and was defeated.

MP: Do you have any of the transcripts of your debates with him?

HINKLE: I have the video tape of my debate with Scott Lively, which was at the City Club in Portland and that was the major debate of that campaign. I mean there were lots of debates but that one was a particularly significant one because it was broadcast, a) because it was to the City Club which was and still is a pretty influential organization but it was broadcast live around the state by KGW on TV. So a lot of people saw it. Unfortunately it went over time a little bit and they cut us off – the broadcast cut off at 1 o'clock or something to go to their soap opera or whatever. But, 45 minutes of it at least was broadcast live around the state.

MP: And can you tell us what your reaction was when you first heard about Ballot Measure 9, particularly the wording which read: “All governments in Oregon may not use their monies or properties to promote, encourage or facilitate homosexuality, pedophilia, sadism or masochism. All levels of government including public education systems must assist in setting a standard for Oregon’s youth which recognizes that these behaviors are abnormal, wrong, unnatural and perverse and that they are to be discouraged.” What was your reaction to that language?

HINKLE: Well in one way that language was very helpful to us in opposing the measure because it was so extreme and so off the wall in linking homosexuality with pedophilia or bestiality. The federal court in Oregon had already held in the first gay rights case in

Oregon that I mentioned in my last interview, the Burton case, that you could not just, you could not put the label of immorality on homosexuality. You could not equate the two.

Some homosexuals and some heterosexuals may be immoral but their status is not a matter of moral judgment. And so when Mabon tried to make that a matter of moral judgment the majority of Oregonians reacted against that.

You know if he had drafted a narrower measure, something more modest along the lines of what he had done in 1988 he might have succeeded. But, that measure, that wording, was so inflammatory so offensive that it aroused opposition from people who had never really thought about gay issues before in their lives and that was the real contribution that Lon Mabon made to Oregon's history is he created the gay civil rights movement, really.

NM: Those anti-measures.

HINKLE: Yes, he brought, he mobilized the gay community in ways it had never been mobilized before and drew out so many alliances, created so many alliances of church groups and labor groups and civic organizations and industrial organizations in opposition to him that in a way the gay rights community in Oregon has a great debt of gratitude to him. It's the only time in Oregon history I believe, certainly in modern history, that the Oregonian published an editorial on the front page of the Sunday Newspaper, signed by the publisher. They've never done that and they did in that campaign and that shows you just how broad the opposition was. You know, the Oregonian takes a lot of strong stands on lots of measures, and lots of candidates on its editorial pages but never had it done so on the front page of the Sunday paper.

MP: And how did that opposition movement coalesce? You know all those groups weren't there fighting day one when the measure was announced. What was the

process in creating them? Was it kind of rag-tag in the beginning and formed somehow organically, or who were the major players?

HINKLE: Well, maybe rag-tag is a good way of putting it. I mean the ACLU I would say was a large part of it, they played a major role because that was an organization that everyone knew had already been active in gay rights and it was an established organization. It was a respected organization in town. So it gave some staffing support, you know. There was an office. There was a place to go. There was a phone number to call. You know, "We want to get involved in this campaign, who we call?" And there was a gay rights movement in Oregon already... The names I gave last time some of which you all have talked to: Larry Copeland and Jerry Weller and Susie Shepherd and so forth – these were a nucleus of people who had been, John Baker, who had been active in the 70s and 80s trying to get the legislature to pass a non-discrimination bill. So there was a nucleus of people ready to go and there had been a campaign staff after-all in 1988 opposing Measure 8. Carl Goodman, Kathy Siemens, there were some paid staff people even in 1988. The anti-OCA groups managed to raise enough money even then. So there was a nucleus, that group. There was the ACLU. There was the ecumenical ministries, the religious organization. Ellen Lowe was the lobbyist and kind of the public affairs director at ecumenical ministries and she became very active in this campaign and helped pull this together.

A prominent business man named Ken Lewis got very involved. He's part of the Schnitzer family or he married into the Schnitzer family and that helps to have the Schnitzer family on your side.

NG: Economic backing.

HINKLE: Yeah. And Rabbi Rose, from Temple Emmanuel. Is that the name of the temple? I think, I'm having a senior moment here, but the major Jewish synagogue in NW

Portland and he was the most prominent Rabbi in Portland at the time, a very well respected and well known man, and he joined the group. And Cheryl Perrin, who was the public relations director of Fred Meyer, she got involved. In fact it was the delegation that went to the Oregonian to try to persuade the publisher, Fred Stickle, to publish an editorial against Measure 9 consisted of Ken Lewis and Rabbi Rose and Cheryl Perrin and myself and probably Ellen Lowe as I recall. We thought it was a victory. We would have been content to declare victory if they had published an editorial at all but then to publish it in the Sunday paper, on the front page... I mean it was a very moving moment actually.

So, having the newspapers behind you, having the rabbis behind you having all of the downtown churches behind you and the labor unions – it was a very broad based coalition of people who just had never had gay rights on their agenda before, but because of the OCA it was now a part of their agenda. So as I said, Mabon gave great visibility to an issue that for most Oregonians was not an issue at all until he emerged.

MP: In other initiatives around the country church groups are not always on the side of gay rights. What was different in Oregon, particularly the history with Catholic schools being banned in the 20's I believe it was, did that have an impact on the religious community and rallying them to what we would consider to be the right side of the issue on this?

HINKLE: Well there were certainly significant segments of the religious community that was on Lon Mabon's side. I mean, I don't mean to suggest that the whole religious community came down on our side, far from it. But, all of the main-line denominations did and the Jewish leaders did. And I believe, finally, the Roman Catholic Bishop came out against it, perhaps a bit reluctantly, but even he concluded that this went too far, that Measure 9 went too far. Again, going back to what I said earlier, Mabon overplayed his hand. If he had had a narrower, more focused measure aimed at the schools or

promoting homosexuality in the government or whatever, you know people wouldn't have been so concerned about that and he might have succeeded. He wouldn't have aroused the kind of opposition that he did. But because of the breadth of it, because of the extreme nature of his rhetoric and the extreme nature of the language that was in the measure itself, he aroused this opposition from fair minded people who were not necessarily in favor of, certainly not in favor of gay marriage which was on nobody's lips back then, but maybe not even in favor of non-discrimination laws. But they didn't want to see the constitution amended to enshrine this principle, this principle of discrimination and linking homosexuality with bestiality. I mean why he thought that was a good idea politically, I don't know, but it certainly backfired on him.

NG: It seems like from what we've seen in class and read and a video that we watched a lot of people – let's say for instance that if he had just gone after teachers people seem to be very concerned about who is teaching their children and if he had maybe focused specifically on teachers in public schools it seems like that, you know, that would have got a lot more people on his side, but he went way too big.

HINKLE: Yes.

NG: He went too big and then the extremism of the pedophilia, sadism, masochism, bestiality, I mean it seems like he just went way overboard.

HINKLE: There is a film you mentioned having seen. There's a documentary film.

NM: In fact the film that we had viewed showed all the drastic measures that he had taken.

NG: The pamphlets.

NM: The pamphlets and the hate and the actual violence that was committed. It was a very, very, very intense film, so.

MP: Did you ever think that Ballot Measure 9 was likely to pass? At the end of the day it didn't pass. It was pretty soundly defeated but ...

HINKLE: Oh no, we were very concerned because after all they had just, they were 1 and 0 going into that. They had won. On gay rights, they had won. And the times were not too conducive. We had just had 8 years of Reagan and 4 years of the Senior Bush and it wasn't a particularly liberal time in the country.

Bill Clinton was the Democratic nominee and running from the right, not the left. He, we finally got him to say, as I recall, on a campaign stop in Portland that he opposed Measure 9, but he certainly didn't throw his weight behind the effort to defeat it. So yes, we were very concerned. I mean it was about the same time that the measure was going on in Colorado too, that led to...

MP: The exact same time, I believe.

HINKLE: It was a copy of the one from here so these groups were in consultation with each other. Lon wanted to start Washington Citizen's Alliance and Idaho Citizen's Alliance and I think he did at least in Washington. You know, he was going to build on his success and build a national movement to put these initiatives on the ballot in every state that the initiative. And he did in Colorado.

MP: Right, and the language in Colorado was a little bit tamer than in Oregon, do you think that was a key factor that really made the difference? Or what was different between Colorado, which is, you know, a fairly libertarian state, and Oregon, which is a fairly libertarian state?

HINKLE: Well, for one thing, Colorado did not have Lon Mabon. Lon Mabon was an ace in our hold because he was such an offensive person, sort of like putting, you know, Dick Cheney out as the face of the Republican Party right now. That seems to me that's something of a strategic error.

MP: Right.

HINKLE: And so to have Lon Mabon with his extreme, really hate filled kind of rhetoric and, narrow minded maybe is a better word than hate filled, but just so narrow so unwilling to look at the broader picture so unwilling to accept diversity, or change, or just sort of a, I don't know, a kind of mindset that by-golly the world was right in 1800 and everything that's happened since has been, we've been going downhill ever sense. I don't know that Colorado had that. They certainly didn't have Lon Mabon. What Colorado did have, of course, was Colorado Springs and the great concentration of right wing religious groups that are there, many of them homophobic and extremely anti-gay, James Dobson and that entire crowd. They had a built in base in Colorado that would vote 'Yes' on anything that was anti-gay, and they still do.

MP: And to what extent do you think, I mean it got to be a rather ugly campaign - there was a lot of violence and things along those lines - to what extent do you think that exposed the real type of hatred that was behind these initiatives to sway some people who might have been wavering in the middle to vote against Ballot Measure 9?

HINKLE: Oh I think that's absolutely what happened, yeah. Again it was the extreme nature of what he had done. Had he been more moderate he might have won but he thought he could arouse the passions, and he did. He aroused passions on both sides and brought out a lot of anti-gay rhetoric that is still bubbling beneath the surface everywhere in our country. I was just reading a new case report this morning of a

student harassment case down in Arkansas. Right now, not 20 years ago but right now the kind of vicious anti-gay slurs that go on in the high school setting in our day in Oregon and everywhere else are still appalling. So he was tapping into that.

It hadn't really become a big issue, as I said earlier, on either side back in 1992, but Lon Mabon made it one. As I said he did more than any other single individual to create the movement for gay rights in Oregon because people on the gay side of the fence thought, 'well, we've got to be more proactive in asserting our rights if even our basic rights of having a job or renting a hotel room or renting an apartment is going to be under threat from people like him then we need to be more assertive.

No one had dreamed of talking about gay marriage before Lon Mabon had come along but, you know, all of a sudden he created, or helped create, a very strong proactive gay rights movement in Oregon. All of a sudden we had 4 openly gay members of the Oregon legislature. I don't know that would have happened if it wasn't for him.

MP: And while it was defeated here in Oregon, there have been 'successes', and I use the term loosely, for their side around the country since. Were there things that he did 'correct', not correct in terms of what we would like to see happen in the world and an enlightened society but were effective for him pushing his agenda that wound up being seeds of other campaigns? I'm thinking in terms of how they misused the Bible at times, some of the outright lies, some of the vilifying of people to encourage a certain segment of the population to rally to his cause. What are the things that he did that we wouldn't hold him in high regard for but were effective in pushing his agenda?

HINKLE: Well appealing to people's fears is always a good way to win campaign votes whether you are running for President or the Senate or having a political issue campaign, a measure campaign. His stated and sometimes unstated premise was that homosexuals are going to take over and they are going to seduce your children. They

are a threat to good order. They are a threat to morality. They are a threat to our way of life and that's the premise of all anti-gay movements. They are a threat to the established social order. So to that extent, I mean that's a theme, that's an old, old theme.

You mentioned earlier the ballot measure here in the 1920's that banned Catholic Schools. It's the same kind of theme. A threat to 'our way of life' and we've got to ban THOSE people. THOSE people sometimes and in some places are blacks; sometimes they are Jews; sometimes they are Mormons; sometimes they are Japanese; sometimes they are gays; sometimes, indeed, they are women. You know, 'we can't let those people go any further'.

The Oregon Supreme Court decided in 1956 upholding a statute that said women cannot be professional wrestlers. And it upheld the statute and said 'here is one area of male comradely or something that is an island of security and sanctity against all these intrusions of females into the male world and we're going to uphold it.' I mean the language was just amazing and this was 1956, we're not talking about 1856, 1956.

You should read what the city of Portland said in its brief in 1945 about Jehovah's Witnesses. In an Oregon Supreme Court Case: 'these people have no right to claim citizenship. They are just so much of a threat to our American Way of Life and they should not have the right to preach on downtown street corners. That's the city of Portland, the city attorney, making that kind of argument, a public official, making those kinds of arguments against the Jehovah's Witnesses. So these kinds of prejudices and bigotry exist, has always existed in our society, still exist and people can tap into it to do their thing.

MP: Do you have any idea why rational heterosexual people would ever think for a minute that their children could be recruited to be gay?

HINKLE: I have no idea. I mean that is the question that we would put to Lon during the campaign. I mean one of his major themes, of course, and the theme of any anti-gay person, is that it is a choice, not something that's part of your nature. Your sexual orientation is a matter of choice so I would always say to him in my debates, him or Scott, 'well when did you choose, Lon, and what factors led you? Did you make a list of all the pro's and con's of being gay or straight and you decided well I guess I'll be straight?' I, you know, it's just so implausible. And the same thing really goes with marriage. I mean it's not as though there is a shortage of marriage licenses, after all. And the idea that allowing two, a couple, a same sex couple to get married is going to discourage opposite sex couples from getting married is so ludicrous I can't believe they advance that argument, but that is their argument. That's the only argument they have.

NM: That will change our way of life.

HINKLE: Yeah, but why? Are people going to stop getting married? Are they going to stop having children?

MP: One thing that I always find fascinating when I hear people talking is whether people can choose homosexuality. I always try to ask them: Well, when you were 13, 14, 15, or 16, and you first started becoming attracted to men or women of the opposite sex, was that something that you could have lived with for the rest of your life without, while not having to talk? I have never found anybody who could say that that was something that they could have chosen not to respond to.

MP: What do you think of their try to determine to define gay rights as "special rights?" Do you think that is a particularly resounding argument?

HINKLE: Oh, sure. Well they thought so and may be they must have thought that was their leading, and most important arrow in their quiver because that's what they said. That was the name of their campaign, the "no special rights campaign." And, again, it is just so irrational. I would point out in our debates when you say you cannot discriminate on the basis of religion, that doesn't give special rights to Presbyterians, or atheists, or to Jews. It says that they all have to be treated equally. And so, we passed some laws saying that you can't discriminate on the basis of sexual orientation. It doesn't give special rights to heteros, homos, bisexuals, or to anyone else. It says they all have to be treated equally. And, what is the difference? Well, and he would go on and on. You know there is no answer to that. He would say, well they are just recognizing a group that shouldn't be recognized. So then you would say, well are saying it's not a group that there is no such thing as homosexuality? It is just an evil or evil conduct that heterosexuals are engaged in. Everybody is heterosexual; it is just that some people are just acting in a perverse way. Then, they would site the "Pos o Paul" in a letter to the Romans for that.

MP: I read a little bit of your theology background. One of the things that I am particularly interested in is how often the bible is twisted, or manipulated to have power over one group over another with discriminating against a certain group of people. What do you think of how bible verses are taken out of context, or people's real understanding of them, and how that is all manipulated?

HINKLE: Well, there is enormous ignorance about the bible among people who claim to know about it. Shakespeare said that he held scriptures for his own purposes. I believe that people who claim that every verse in the bible is literally true are either delusional or they have never read the bible because there are so many things minor and major that are contradictions. The Gospel of Marks says that Jesus was crucified in the morning. The Gospel of John says he was crucified in the afternoon. They can't both be right in a matter of historical fact. Do they really believe that dinosaurs walked the earth the same

time as man? Well, may be they do if they believe the literal truth of the first chapter of Genesis, and aberration story. Do they really believe that God smashes the heads of their enemy's babies on rocks? That's what the last verse of Solemn 137 says. I doubt that. So, they pick and choose the verses that they want, and they can use them very effectively among people who have never read the bible or who read it and gloss over these inconsistencies.

MP: I was really touched by the Mary Griffith story from the movie, "Prayers for Bobby." One of the things that I think it was strongest in her campaigns was when she talked about or would quote how when a man isn't with a woman, it is an abomination, and she knew that phrase. She took it very literally, and she was unaware that that a few verses later, it says that it is an abomination to eat shrimp, and that you should stone your children to death if they are disrespectful. Also, that a daughter should be dragged to her father's house and killed if she isn't a virgin on her wedding day. Even if they believe that the bible is what God says, they are not to act on such things. So, why are they choosing to act and build so much of pure faith on this one passage that condemns the people you would most like to discriminate against.

HINKLE: Yes, I've never heard anyone come up with a good explanation or any explanation. Again, it is something that we all do. There are passages in the bible that I don't believe. That last verse in Solemn 137, I don't believe that God blesses people who smash babies' heads against rocks. So, I don't think that is the inspired word of God. Maybe, they read the book of Leviticus, this one verse out of 500 verses that condemn oysters and shrimp, zippers, and buttons. Those are, they pick and choose, and how they pick and choose, I don't know.

MP: After Measure 9, the OCA promoted another set of initiatives. Can you tell us about that? They had some early success by going country to country. They had more

conservative counties and then went state wide. Could you walk us through some of that?

HINKLE: Yes, Lon Mabon again, as I said earlier was in this partly for his financial gain. He was making a living off of the OCA. And, so when Measure 9 was defeated in 1992, he took a look at the county elections, and identified where he had indeed gotten the majority vote. So, he began a campaign in 1993 to put local measures on the ballot in those places, like Estacada, where if there had never been a gay person living there, no one had knew of it. And, the idea that there was a threat that Estacada might pass a gay rights ordinance was so absurd that you knew he was just doing it for economic purposes, to foment divisiveness and antagonism. He would go into a small community, and again, Estacada with a couple thousand people may be, and he would turn neighbor against neighbor; church against church, making it a focused anti-gay campaign in those communities. We reacted through Representative Gail Shelby who was a member of the legislature at the time, the first openly gay member of the legislature at the time. She introduced a bill that banned those local initiatives. It said that no local government in Oregon can enact a bill that would impose this kind of barrier to nondiscrimination policies. That statute is still part of the law of Oregon. And, it said that no local community can enact, enforce, several other verbs there, sort of the icing on the cake.

You know, you can't do this. Our reason for doing it was not to block the enforcement of these measures because they were never going to be enforced anyway. It didn't make any difference to anybody whether there was a charge or amendment in the city of Estacada, or city of Cornelius because it was going to be a dead letter. It was never going to be enforced. What the statute was intended to do was block the elections to stop people at these communities from enacting the measure. And, that was the verb of the statute; you cannot enact this kind of measure. And so, we started filing lawsuits around for preventing them from going on the ballot. Because our strategic reason for doing that is that these measures gave Lon a great deal of street credibility, and they

enhanced his fundraising appeal. Remember where we are, he has just lost the November 1992 election. So, in the following spring and summer, he used these local measures as a way of fundraising for himself. You know, he can send out his fund raising measures not just to Oregonians, but to people around the country. We are taking the battle into communities, the streets, the byways, and the highways.

And so, we still need your money to make a living. And so, please send your contributions. He was using it as a fundraising device keeping him in the news as a way for building up for another state wide measure in 1994. So, we wanted to stop those local measures because he was able to use them very effectively as a fundraising device, and to recruit foot soldiers for his next statewide campaign. So the legislature past this law and we go to court to try to block them, and the Oregon Supreme Court ruled against us for the most absurd issues that it has ever issued. It said that the word enact was not... when the legislature said when local cities cannot enact these measures, the word enact means "is the act when the county clerk at the end of the mission process announces the results. That's when the measure is enacted, and I suspect that there are only seven people in the world who believe that that's what the legislature meant when they used the word enact, and those seven people are sitting in the Supreme Court.

The idea that the legislature was trying to block the announcement of an election result when it said that local jurisdictions can't enact these measures is so absurd that it is really hard to believe that a rational, intelligent, law school educated human being could believe it. But as someone In Alice in Wonderland said or somebody in that, "I can believe the 100 impossible things before breakfast. And that's what Oregon Supreme Court did. It was an absolutely asinine decision, one of the worst decisions the Supreme Court had ever made. So, Lon was able to continue his march across, like Sherman's march across Georgia, he was marching across Oregon. You know, not put them all on the same ballot at one time, but some here in March, some here in June, some here in September to keep his momentum going.

It was very effective. I don't know how many he passed; five, six, seven, eight, I don't recall now for sure. They couldn't be enforced because of that statute. So, they were a dead letter once they were enacted, but he didn't care. His goal was to rise after all was not really to make a difference in the polity in the city of Estacada. His goal was to raise money, keep the issue alive, and to build a coalition for 1994 which is what he did. So then he comes back in 1994 with Measure 13, and a more moderate one, a more modest one. Oh, now I'm much more reasonable than I was two years ago. I have taken out bestiality, and so forth. And so, it was a tougher campaign in some ways, measure 13. We defeated it again, but the margin was less than from Measure 9. So, if he kept going, he might have eventually won one, but I don't know why he began to run out of steam. He tried, he filled measures after that, but he never got one on a state wide ballot. We would keep him tied up in court on those ballot title measures for one thing, that I mentioned earlier. You could file a ballot title challenge, but that would keep the measure tied up in court for two, three, four months which meant he couldn't get out there and start gathering signatures during the time when the ballot title was in dispute before the Oregon Supreme Court ruled on what the ballot title should say. So, we kept him locked up inside the court system for many months at time and that really put a crimp on his ability to gather signatures.

NG: I think also a cultural shift in Oregon, a little more open-mindedness...

HINKLE: Yes, things began to change. People began to change. People began to think about what they were doing.

NG: What kind of state do we want to be?

HINKLE: People began to attract more of the "grunge" crowd, people coming from the high tech industry. A more educated, open minded crowd began to move into Oregon.

MP: So, the community coalesced in response to ballot Measure 9. One of the comments you made down in Estacada, you know, nobody knew of any gay person living there or if there ever any because no one knew of anyone coming out. How much do you think of people getting involved in ballot measure 9, people working against it made it simpler to come out? And then you avoid the problem of people in Estacada seriously thinking there is no gay person living in the Town?

HINKLE: Oh, and it absolutely did. In my closing moments in my televised debate with Lively, which were cut off because the program had run overtime, I said that Measure 9 was a pile of stones waiting to be thrown at your public library where librarians will have to remove books. It is a stone waiting to be thrown at your churches, which will have to do thus, and so; it is a stone waiting to be thrown at your place of work because discrimination laws will have to be different. I'm not saying it very openly, and I ended it by saying it is a stone waiting to be thrown mother, father, sister, brother, son, and your daughter. Anyone of them may be gay without knowing about that. That kind of metaphor resonated in that campaign, and it did draw out people. People came out of "the closet" and said, "Yes, I am gay, and don't you know who I am?" You know, Town Hall was an interesting program in those years. It was a very popular Sunday night discussion group for an hour on channel 2, first run by Jerry Pratt, and later by Jack Thoust.

And there were debates on Measure 9, and later on were free speech measures. It was a very effective way of showing the kinds of people who were against Measure 9. Again, it was sort of like putting Cheney and Limbaugh out there as spokesmen for the Republican Party. When you actually see these people who are so against gay rights, you know, almost foaming at the mouth. (Hinkle laughs) These blue-haired old ladies who could quote one verse from the bible. They had no clue about anything else in the bible, as you were alluding to earlier, but boy they could quote that one verse. They just knew

that gay people were a threat in their grocery store; in the taxicabs; and especially in the schools. And you would watch them, and people watching this television program would watch them. They would say, what is going on there? You know, these people are so irrational; the more you expose hatred, the more you shine light on the Ku Klux Klan, the better off society is because you see how irrational their bigotry is.

MP: How much more dangerous do you think it is when you hear people saying, “Oh we don’t hate the sinner, and we just hate the sin?” Do they try to hold as nice a face as they possibly can, and hold the middle ground, or pretend to hold the middle ground rather than spewing the obvious hatred that can be seen corrected?

HINKLE: Right, you know I think that kind of argument did resonate in the beginning but that is how Measure 9 or 13 helped the Gay Rights Movement because people started to think, well, what is that gay people do that is so offensive? Oh, well we don’t want to think about sex, but people began to think about sex. And to realize, what gay people were doing was not much different what straight people were doing in bed. So, to say, to hate the sin, but not the sinner, people began to realize that that could apply to all of us. In everything that we are doing, whether it is drinking alcohol, or smoking a cigarette or jaywalking or whatever. It helped nudge the culture towards a more grudging at first, but finally a more open attitude toward homosexuality in general. Gay characters began to appear on television. Now, you might not watch any show when there isn’t an openly gay character. But, you know it was a momentous shift in the 1990’s when that began to happen. And, I don’t think you can discount Tom Hank’s movie, Philadelphia, just showing the face of a bright, intelligent, educated lawyer that came down with aids. So it’s not the riffraff over there, but gay people are everywhere.

MP: It’s hard to portray as other, and insight fear, when you actually know or are observing real life human being from that community and society. I’m reminded of the “Jeffersons” back in the ‘70’s, which was the first time you had on television a successful

black man running his own business. It was such a huge milestone, because people slowly got used to the idea because they were seeing it. It was in their lives, and they knew about it being in their lives.

NG: Prior to that, it was seen as slapstick...

MP: Caricatures.

HINKLE: Yes, prior to that, every black person on television was either a maid or butler, or a caricature of some kind.

MP: There were gay characters in movies and on television, and before the 1990's, but they were caricatures that were not positive. You sort of quoted that founder of the ACLU in your previous interview, with the fight for civil liberties, never staying as one. I think that is a fantastic quote. Obviously a lot of progress was made in 1992. The movement in Oregon is very strong now comparatively speaking. But what lessons do you think you have really learned over the years for those who would fall under your footsteps for fighting these types of things? What things could have been done better? What things are important to keep in mind when trying battle this hatred?

HINKLE: Well, there were certainly strong disagreements within the gay community, and its allies in 1988, 1992 and 1994 as to how far, or what the best strategy is. And those disagreements are alive today. When the Multnomah commissioners, three or four years ago, decided to start issuing marriage licenses, they did so, on the basis that I gave them which said they could. They posted my legal opinion on their website but I thought it was a terrible strategy to follow. And I was very much opposed to those members of the Gay Rights Community who were pushing the Multnomah County commissioners to do that. I have always believed that the most effective way to make advances in legal rights is either to go to the Legislature, and that's a long shot quite frankly.

The most effective way is to go to court. It is what African Americans did and that is what women did. Long before there were civil rights statutes on the books, there were court victories, sometimes really tiny ones. But *Brown vs. Board of Education* was decided in 1954 and that didn't come full blown out of the brow of Zeus. There were many court victories before then, incremental court victories and some losses, but, you know, it would have been a vast mistake in the Civil Rights Movement if they had filed a lawsuit in 1920 challenging public school, high school segregation. They would have gotten an adverse Supreme Court ruling, and that would have slammed the door for another couple of generations. What they did instead, first they attacked transportation where you sit in a bus. Then, they attacked entry into a law school. That was a really good strategy because Oklahoma had only a white law school, the only white law school in the state of Oklahoma. But they would not let blacks in, and so blacks could not go to law school. They were separate but equal in theory except they hadn't put up the separate.

So the Supreme Court required Oklahoma to integrate their law school. It was little baby steps like that that led to *Brown vs. Board of Education*. That led to swimming pools and golf courses and all the rest. But, you don't bite off more than you can chew. You make little steps, and build every court decision that you get in your favor...you build on that and as a stepping stone for the future. That's what I had tried to do in Oregon with Peggy Burton, the lesbian school teacher case. And with our decision striking down Measure 8, the Merik Case and the real breakthrough, my case, the Tanner Case. This ordered OHSU to offer benefits, medical and health insurance to partners of same-sex couples. On the same basis, that they gave them to married couples of the opposite sex. That was an enormously important case, and I think that we should have built on that in the legal system, the judicial system, instead of pushing the issue in the Multnomah County Commission because it just backfired. We got a short term victory, and that lasted

a month, but it gave great impetus to Measure 36 which was then on the ballot that fall. No one had heard of Measure 36, those petitions.

MP: Could you tell us what Measure 36 was?

HINKLE: Measure 36 was the measure passed in 2004 that enshrines in the Oregon constitution the sentence that says that marriage is a union between one man and one woman. Someone who drafted the measure, someone whom was not a major player in politics or anything, someone had drafted the measure in the winter of 2004. Someone has filed that petition with the Secretary of State. It sits there; no one pays any attention to it. Then, the Multnomah Commission in February or March does its big deed and that causes such a raucous and such a reaction not only because of its substance, but because of its procedure. They did it without hearings, and they did it in the dead of night. They just announced it one Monday morning and the Oregonian was all enflame against it and criticized them. Every politician around the state chimed in, and so it gave great impetus then for people to go out. Every conservative church in the state got a hold of these initiative measures then and succeeded getting them on the ballot.

My point is that there is an ongoing debate. There always will be, whether it is blacks, for women, for gays, or for any other group. How far do you push? Do you try an incremental approach or do you try to jam it down their throat all at once? It was the debate between Stokley Carmichael and the firebrands in the Black Civil Rights Movement in the 60's. NAACP. We've been doing this for fifty years. We are building alliances with whites, and maybe we will get there in the next 100 years. Stokley Carmichael says we are not going to wait another 100 years; we want it now. The same is true for the Gay Community. Do you want to do an incremental approach over a long time, or do you want to go with the whole hog, gay marriage right now, and full rights on all fronts. What is the lesson? I do not know.

MP: It is a chess game.

HINKLE: It is a chess game. It did not work in California. Pushing it there was too fast, too soon. So, California passed Proposition 8 which surprised so many people. But, I have friends in the Gay Community who say no, that was the right thing to do to push the issue because it educates people. I must say there is truth to that. It applies to what you and I were saying 20 minutes ago. Measures 9, 8, and 13 educated people. Even people who were anti gay about what the issue is No only what homosexuality is, but what does civil rights mean, what does equality mean? Who are these people? Why, it it my son. It is my sister, it is my pastor. They are not just these flamboyant queens from San Francisco. It is your next door neighbor. So, the extreme measures, the jam it down their throats measures, so cause reactions but they also have a very valuable educational role in making people confront their prejudices, confront their assumptions, or confront their stereotypes. So I guess the lesson is it is good to have both the incrementalist and the extremists in any civil right movement. Did the women who went out and burned bras advance the women's rights movement or set it back?

MP: Well perhaps sometime when you take a step back, it's a step back that has to be taken. And if you are going to take a hit at some point you can get past that obstacle now and then rally again and move forward.

HINKLE: Well that's right and measure 8 you know I am sure, well I have heard that the gay rights groups were somewhat complacent down there and they really didn't think they needed to worry and that surely measure 8 or prop 8 in California would be defeated. Prop 8 certainly has not had a negative effect around the country because since Prop 8 has passed 3 or 4 states have gone through to gay marriage and one or two by legislative action not just judicial action. So I am absolutely convinced that California will have full gay marriage, maybe not next year but the year after that? Here in Oregon were going to aim at getting it back on the ballot not in 2010 but in a presidential election

year 2012 where there will be more young people, more liberals, and more pro Obama people coming out to vote and maybe we will succeed in getting it passed.

MP: So there is an initiative in the works for 2012?

HINKLE: Nothing concrete, nothing on paper yet but yeah people are talking about it all the time.

MP: That's fantastic. So what do you think the prospects are in Oregon (C.H. chuckling in the background) in an election year, with a popular liberal President running?

HINKLE: I think the chances are pretty good.

MP: One thing I noticed that was very different in California because I worked a little bit on that campaign-compared to ballot measure 9, the outreach to the religious community and to the minority communities in Oregon seem to have been done very, very, very well. It seems to have been done early and on a grass roots level that got them locked in place, where as in California I didn't witness that happening as much. How key do you think that was to our success with ballot measure 9?

HINKLE: Oh I think that was extremely important. That Town Hall program that I mentioned that television show on Sunday night-we put Ellen Lowe up there this wonderfully grandmotherly matronly public affairs woman from the Ecumenical ministries that looks like she should be home baking cookies and Rabi Rose you know the very prominent, very respected religious leader and other religious leaders like that. We didn't put on the people with six piercings and their nipple rings you know? You put on people who are going to communicate to Joe and Jill average TV viewer and to make it seem less threatening for one thing you know. Because that was Lon's strategy these people are a threat.

MP: And he is putting the person with six nipple rings in the Gay Pride parade on the cover of his literature.

HINKLE: Oh yeah! The San Francisco Gay Pride Parade was his main theme. You know look at these people; this is what you are going to have in Oregon if you allow that and if you don't pass our measures. But again I go back to the bra burners in the Women's Lib movement, I can remember those debates. Do the extremist help or do they hurt? Did Stokely Carmichael help or hurt? I mean you guys might not have even heard of Stokely Carmichael. He was the flame thrower of SNCC, the Student Nonviolent Coordinating Committee, the real agitating rap brown of these radicals, black activists back in the 60's who said were not going to do anything incrementally anymore, enough is enough. Today is the day of we want civil rights and they play an important role too. Because after all its people like that, that push the moderates a little further to be a little more active.

MP: What kind of lessons do you think or how effective is the Right at using some of the lessons they learned in the 80's and in the 90's, how much more dangerous are they, in their approach today versus then?

HINKLE: Well there are always going to be hate groups in this world but shining sunshine on them is the most effective weapon against them because they like to remain hidden and underground. Newsweek just had an article a couple of weeks ago about the resurgence of Right Wing hate groups and their use of the internet for one thing, to recruit members and there's no doubt that there are significant numbers of them in the United States right now. But I think that clearly the tide of history is against them at least with respect to things like equal rights and equal dignity for Jews and for Roman Catholics and for women and for Gays. I think the Gay rights battle; the gay rights war has been won. The culture war has been won all because it is inevitable that the tide of history is moving in our direction-you can't put that Genie back in the bottle. The fact that

there are now five states in this country where gay marriage is legal would have been a thought that no one in their right mind would have entertained even ten years ago maybe and certainly not twenty years ago.

I have had the same feeling about it as I had when the Soviet Union broke up. I had lived with the Soviet Union all of my life and I thought that it was going to last forever, it was just a given, this was just a part of our history. The Cold War was going to go on, maybe it would cool down some and heat and cool down some but to think that the Iron Curtain would come down was unthinkable and yet it happened and to think that we were going to have marriage equality even incrementally in our country was unthinkable ten or fifteen years ago. But even apart from marriage equality, the idea of full equality in the work place and in housing and in public accommodations- the idea that you can't discriminate there on the basis of sexual orientation anymore is unthinkable. So sooner or later we will have a Federal non discrimination law and you know it's not going to go backwards. There are still problems of bigotry among people in this country just as there are of bigotry on the basis of race. Just the fact that there is a civil rights law on the books doesn't mean people are going to stop using the N word or stop being anti Semitic. Anti Semitism, anti African Americanism, racism, sexism, genderism, all these isms are still going to exist and will always be with us I suppose but institutionally as a society we have said we are not going to tolerate it on a governmental, institutional basis and that part of the war has been won.

MP: Although I completely agree with you but to the extent-does having the federal law prohibiting discrimination based off of race to dampen the use of the N word because society has officially said this is unacceptable and there are still going to be pockets but...having the statute on the books still helps...

HINKLE: Oh sure! Absolutely, sure it does and it's still needed. I mean if the non discrimination laws were repealed there would still be a lot of people, a lot of employers

who would then stop hiring Blacks or women or Jews or whatever. No, as I said bigotry still lies in the heart of man and woman and a large segment of our society if prepared to act on that impulse. The impulse to murder your wife is still very strong amongst most human beings so you have to have laws against murder. I mean it wouldn't be wise to repeal the laws against murder because murder would probably go up. So you still have to have laws that cabin and restrict human conduct. Ronald Niebuhr in the 40's wrote a book *Moral Man and Immoral Society*, he said that individual human beings are generally pretty moral but when they get and act as a group they are immoral he later said he should have written or should have entitled the book, *immoral man and even more immoral society* because he realized that I mean it was wrong to think that any human being is perfectly moral, none of us are. The one indisputable true doctrine of the Christian faith is the doctrine of original sin whether you phrase it in that way or not it is certainly true that every human being has bigotry and prejudice and evil inside them and we all have to work every day to suppress it and to act on our good impulses instead. So yes we still need laws that ban discrimination and we need more laws that ban discrimination and we need to repeal don't ask don't tell I mean there's still institutional barriers to full equality for gay and lesbian persons in our society and we need to work to repeal them but the tide of history is going in that direction.

MP: I have a question on gay marriage. How much do you think the difficulty in that issue in some people's mind is based off of failure to separate their concept of religious marriage and civil marriage?

HINKLE: I think that it has a large part of it and if there is going to be a measure on the ballot here in 2012, for example it will say something like, no law shall restrict civil marriage on the basis of gender because religious institutions have the right to marry or not to marry or to bless any marriage they want. You know in the Orthodox Jewish faith you can't...if an Orthodox Jew marries a non Jew that person is out of the fold.

MP: Certainly not married in that church or that synagogue....Having watched prop 8 in California that really seemed to be the winning argument for their side. To attack or to portray the measure or portray gay marriage as attacking your churches right to decide who is going to marry

HINKLE: And it's a dishonest argument, it is simply not true. When the Oregon legislature was debating the non discrimination bill here a couple of years ago and I went down to testify and they asked on the religious aspects of it, how big of a religious exemption should there be? That was the issue. And I said there doesn't have to be any because the constitution already protects religious institutions from hiring or firing anybody they want. I mean after all the Catholic Church gets away with hiring all men to be its Priests! No one would dream of saying the no discrimination laws apply to the Catholic Church in hiring it Priests and so you don't need any exemption and those who are raising this cloud of fear mongering are being dishonest. So I said lets put belts and suspenders (I knew there was a phrase there I wanted) belts and suspenders and we will put a religious exemption in the statute then. It doesn't mean a thing because the constitutional protection is already there; but if it would make them feel more comfortable and if it would take away that opposition, fine let's do it. So there is very strong religious exemption in the non discrimination bill in the Oregon statutes and that's fine, but for the Mormon Church in California to come out so strongly against Prop. 8 and somehow say it's a threat to their religion was intellectual dishonesty and they ought to be ashamed of themselves.

MP: But it is an effective argument and how do you best combat that?

HINKLE: By telling the truth, by telling the truth, by saying to people were not challenging anybody's right to have a religion that believes that little green men walk on the moon if that's what they want. If you want to join a religion that says the Reverend Moon is the Messiah that's fine. If you want to believe or join a religion that says the Pope, when he

speaks ex cathedra, he is infallible that's fine. If you want to join a religion that says a man in upstate New York found some golden tablets in a field one day that was the inspired word of God who happened to speak in 16th century English that's fine. Those beliefs are absolutely bizarre and unintelligible to anybody outside the faith but if you are inside the faith they appear to make perfect sense. But don't try to confuse that with the civil, secular institution, the legal institution of marriage.

MP: Fantastic. Any thing else you want to comment on or add to the record or will you be available in 4 years in 2012 for us to come back and interview you again?

HINKLE: Well I certainly hope so. I am not planning to shuffle off this mortal coil.

MP: Would you be open to us coming back and interviewing you again?

HINKLE: Yes

NG: There were a few key figures that I just wanted to here your thoughts on. Ex Mayor Potter, ex Police Chief Potter, is an interesting Portland figure. Did you have interactions with him?

HINKLE: Yes, he has been very active in some areas of gay rights. He was on the board for a long time of the Sheppard Scholarship Fund, which is a scholarship fund for law students who are either openly gay themselves or who pledge to work in or for gay rights when they become lawyers-that's probably been at least ten years and Tom Potter has been very active and helpful in that. He had an openly gay lesbian daughter as you probably know, and who was a member of the Police force and use to march in the Gay Pride Parades with her so he's certainly very progressive and open minded, supportive individual. Portland has had a gay rights ordinance for years; I can't remember now when

it was passed if Tom had anything to do with it maybe it predated his tenure as Mayor but he has always been fully supportive of the gay rights movement in my experience.

NG: Vera Katz?

HINKLE: Well at the local level, I wish I could remember when the Portland Gay Rights was adopted; maybe it was on her watch, maybe during her term as Mayor. She has always, like Tom Potter, full public support to gay rights. I would say however, that she was also Speaker of the Oregon House and a member of the Oregon legislature for a long time and for a long time-this is a point I think I made in my last interview-the Democrats, we had a liberal Democrat majority in the Oregon House and the Oregon Senate for many years in the 70's, 80's and 90', and we couldn't get a non discrimination bill passed. So there were a lot of good liberals who gave good lip service to the cause of gay rights in those years but who were not very effective in implanting it.

NG: So they couldn't actually put anything through.

HINKLE: Oregon should have been one of the first States to have a gay rights bill and as it turns out we were number thirteen or fourteen and the first gay rights bill was introduced in the Legislature in 1973 I believe and I testified in favor of it that year and it was defeated. It was in the legislature every year since then. One year we got it through one House but not the other and then another time we got it through the other house but not the other. In fact I remember the ACLU gave its annual Civil Liberties Award one year to the 16 House, 16 Senate Democrats that managed to get it passed the Senate, but it wouldn't pass the House that year and the House was under Democratic control. So these people who came to gay rights banquets and got a lot of money out of the gay community for their political campaigns were not very effective in actually achieving legislative gains for gay rights in this State and the gay rights bill didn't pass until what, two years ago?

MP: How do you influence them to be more proactive?

HINKLE: Well, don't vote for them, withhold support. You know I feel very strongly that Ted Kulongoski and Phil Keisling, when they were Attorney General and Secretary of State respectively back in 1993, were not at all helpful to gay rights. They were...it was Kulongoski and his Justice Department that made that argument that I mentioned earlier that the statute that Gail Shibley had gotten through, really wasn't intended to block the elections at all. He was not a friend of the gay community at all and I have always been very bitter about the lack of support that Ted Kulongoski gave when the rubber hit the road that year he was on the wrong side of that issue, in terms of the gay community. You know he hold himself out as a great gay rights supporter and in some ways of course he is, but he didn't walk the walk that year.

NG: Just one more, Bud Clark? Did you ever have interactions with him or meet him? Was he involved in the community at all?

HINKLE: No, I don't know that he ever made any particular contributions to gay rights. I am sure he is a supporter of gay rights. Everyone in Portland in the last twenty years has been. Portland has become much more liberal just in the last twenty years. It's amazing how liberal it has become. Was he after Vera Katz?

NG: I think he was before Vera Katz.

HINKLE: His election was one of the major turning points in the making or not...I was about to say making Portland more liberal-it was a reflection of the fact that Portland had become more liberal because his defeat of Frank Ivancie was a huge upset and it showed that Portland had moved considerably to the left and it moves further left every year since then.

NG: Thank goodness.

HINKLE: Because of the influx of so many young people who come here because of they first came here for other reasons but I think who in many instances in the last ten years have come here simply because it's liberal. I mean it's the Berkley of what use to be the Berkley phenomenon. Every one moved to Berkley so they could live in a leftist commune. Portland is not nearly as leftist as Berkley was in its hay day or maybe still is but still its you know, back in the 50's, 60's, 70's Portland still sent some republicans to the State Legislature but republican couldn't possibly get elected to the Legislature in Portland now.

MP: Alright, my last question. When do you predict Oregon will have gay marriage and when do you think or predict the county will?

HINKLE: Well I think Oregon will have it after the 2012 election and there are some states in the United States that won't have it in my lifetime certainly. I think it's another forty or fifty years before....I bet a majority of state will have gay marriage within twenty years but there will be some hold outs and the question of how or at what point we can get a Federal statute? You know the stars have to align just right. The 1964 civil rights laws passed because the stars aligned just right. We had a popular President who was assassinated, that helps. We an extraordinarily charismatic black leader in Martin Luther King, that helped. We had an extraordinarily vicious opposition in Bull Connor and the sheriff who put hoses out and sprayed the civil rights marchers-that helped. We had a bombing of a church that killed four little black girls-that helped. And all those kind of things contributed to a sense of something had to be done.

NM: Sometimes you have to have loss to bring about change. That's kind of the harsh reality.

HINKLE: Yeah and so having Mathew Shepherd killed in Wyoming helped the gay rights movement because it turned over that rock. There still is this kind of hatred seething beneath the surface in our Country. So you have to have the right combination at the right time. We don't have it right now but at some point it will happen. Maybe there will be a bombing...you know when New York finally gets a gay marriage and there's a wedding at Riverside Church in New York and that church is bombed then that would be a major impetus towards pushing people in the middle because there's going to be twenty percent of the people in the country who are going to be, you know, against gay marriage no matter what and there will be twenty percent who are for it no matter what. But it's that middle sixty percent that makes the difference and that's what made the difference in 1964, the middle. Enough of the middle finally moved this way (to the left) and that's what has to happen in any civil rights movement.

NM: I have one quick final question somewhat related on... in terms of the 1992 election, obviously talking about Oregon, why did it not pass in Colorado ? How was the strategy there a little bit different?

HINKLE: Why did it pass you mean?

NM: Why did it, excuse me, pass?

HINKLE: Well, I am not a resident of Colorado I mentioned the fact earlier they have this big group of conservative churches centered in Colorado Springs and James Dobson's Focus on the Family are extremely influential there. I think that Colorado is simply more a republican State too a more conservative State. We haven't elected a republican to state wide office since Regan in quite a while. We had a Republican Senator, Gordon Smith who was kind of the aberration, whereas Colorado has had more republicans in office. So it's had certainly more republicans in the Federal House of Representatives, I expect their

delegation is more or less split while ours is 4 to 1 Democrat. So it's a more conservative state, a bigger right wing religious community. Oregon up until this past year or two was the most un-churched State in the Union and we had been for fifty years. I think now Alaska has surpassed us as having the fewest church affiliations but we are-Oregon is a very secular society and Colorado is a more religious society and a more Republican State and a more conservative State and they just had a more fertile field to plow than Lon Mabon did here. I doubt that it passed by a huge majority thought even there though I don't know what the vote was. I speak of ignorance so I should keep my mouth shut.

NM: The reason why I asked was just because here there was so much more violence and as you were saying there was that need for the middle ground to come into shift. But there, I am assuming that there was less need for that kind of action, so it would be more likely for that measure to be passed in Colorado, because it was already in the common mode of thinking, it was already on their side.

HINKLE: I suppose so, yeah there were more...perhaps a much less visible gay community and maybe fewer progressive religious leaders ready to come out. You know as I said speaking of the alignment of the stars, the fact that we had those religious leaders, we had the labor unions, we had the business association, we had the Oregonian with the front page editorial...you know maybe if the Denver Post printed a front page editorial on it's Sunday paper saying vote no, maybe that would have made a difference. I don't know what the difference was.

NM: Not enough momentum there from the left then.

HINKLE: No, not enough momentum.

NM: Thank you.

MP: Thank you very much for your time

HINKLE: You're welcome.

NG: Thank you very much.

MP: ...and everything you have done for the community of course

HINKLE: (chuckling) Of course.

[End of Session 1]

[End of Interview]

Keywords

Ballot Measure 9

Civil Rights

Gay Rights

Gay Marriage

ACLU

OCA (Oregon Citizens Alliance)

Lon Mabon

Measure 8