

The Right to Pride

Former judge and activist Katharine English reflects on the fight for basic rights

By Jenny Furniss

In 1992, lesbian judge Katharine English faced Lon Mabon, chairman of the conservative Oregon Citizens Alliance, for a televised public debate on Measure 9. The stakes were high: Measure 9 would have built discrimination based on sexual orientation into the Oregon Constitution, characterizing homosexuality as perverse. But English's own battle against sexual discrimination in the courtroom had prepared her for Mabon's demeaning vitriol. The fight against the Oregon Citizens Alliance and Measure 9 galvanized the gay population.

"The Oregon Citizens Alliance proposed ballot measures so vicious, so cruel that the entire community began to say, 'Nobody's going to fight for us unless we're open,'" says English. "During those years, gay people came out in droves and became active when they never would have before. The liberal straight community began to ally with gays; gay men began to ally with lesbians. We became a cohesive whole against these measures."

It was a major turning point in the gay rights movement, a time when the gay and lesbian communities emerged from the underground to become an open, vocal element of Portland — one that has influenced the social and political makeup of the city ever since. English's personal experiences and professional contributions illustrate the journey from the budding women's movement to gay

political unity.

In 1974, after becoming a regular at A Woman's Place bookstore and leading a workshop on "How Heterosexual Women Can Work in the Lesbian Movement" at Portland's first women's conference, English herself decided to drop the "hetero." But her relief and exhilaration at coming out was tempered by a bitter fact: No gay or lesbian parent had ever gained custody of their child in a contested custody case. "Lesbians had absolutely no rights to their children, except those benignly given," explains English.

After consulting with four lawyers, she decided to allow her ex-husband custody of their four-year-old son if she could keep custody of their one-year-old son. (Four years later, she would gain custody of her eldest son without going to court).

This painful decision catalyzed her life's work: to change a legal system unjustly discriminating against gay and lesbian parents. English graduated law school and began working for the Community Law Project, an all-female collective started by Ruth Gundle that promoted civil liberties, including gay and lesbian rights.

With the support of Multnomah County Circuit Court Judge Kathleen Nachtigal, English and other lawyers from the CLP began trying to change the homophobic attitudes of judges and social workers in the tri-county area. They provided expert testimony, scientific evidence and stories from community members. They met with individual judges over lunch or coffee to attempt to persuade them that homosexuality was not a choice.

"They knew I was gay and raising children with my lesbian partner, and I think it became more difficult for them to adopt this judicial



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KATHARINE ENGLISH

bias that was prevalent in Portland and across the state," says English.

In 1979, Multnomah County Circuit Court Judge Stephen Herrell ruled in the case of Victoria Finch that he saw no reason that lesbianism, per se, should disqualify a mother from being awarded custody of her child. The victory marked a turning point: As English puts it, "As soon as Stephen gave custody to a lesbian, then other judges felt more comfortable giving custody and visitation rights to lesbian and gay parents."

In 1980 English and her partner Janet Metcalf founded the first openly gay law firm in Portland. (Their secretary happened to be transgendered evangelist Sister Paula Nielsen). Four years later, English was appointed to the juvenile court bench.

But life wasn't all court battles and activism. During law school, English delved wholeheartedly into the underground lesbian scene,

socializing at local hang-out the Mountain-Moving Cafe. She also joined the Dyketones, a playful band known for its quirky, gender-bending costumes and stage names. (Incidentally, the Dyketones were featured in the very first edition of *Just Out*).

In 1992, the Dyketones reunited for a benefit concert to raise money for the effort against Measure 9, and English again shared the stage with her old bandmates. The performance was a buoyant highlight of the grueling campaign.

English worked with dozens of other activists across Oregon, including Basic Rights Oregon during its formative years. Their collective goal was to show that homosexuals weren't sociopathic deviants, but human beings and contributing members of the community who deserved equal protection. She spoke at public forums throughout Oregon, debating Mabon or his staff members four times, twice on television. The hatred was sometimes visceral; One man told her she should have drowned her children rather than raise them as a lesbian. But English and other activists knew the struggle was for a most basic right — to live their lives, unashamed. This time, they won. Measure 9 was defeated by 56 percent.

"The gay community became really visible and worked together," English says. "Being visible made it possible that anything could change."

For some, the fight for gay rights continues. For a now-retired English, who resides in Utah and identifies as bisexual, her days of activism are largely in the past, a chapter in history. But it's a history that hasn't been forgotten: When English visits Portland for this year's Pride Festival, she'll be telling her story to Pat Young, historian for the Gay and Lesbian Archives of the Pacific Northwest.

Living in Utah, English feels like she's been transported back to Oregon's early days of closeted sexuality and conservative prejudices.

"I feel like I'm still working to make changes, but there isn't that thrill that there was when I was younger and we were really making inroads," she says. "We were path-finding, but now I feel like I'm just following the path, walking down it and trying to bring some people with me." ☐

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