

SENATE COMMITTEE ON
RULES AND ELECTIONS

Hearing Room
Tapes - 36

MEMBERS PRESENT:

Sen. Paul Phillips, Vice-Chair
Sen. Brady Adams

MEMBER EXCUSED:

Sen. Randy Miller, Chair
Sen. Shirley Gold
Sen. Dick Springer

STAFF PRESENT:

Kristina McNitt, Committee Administrator
Gretchen Haber, Committee Assistant

MEASURES HEARD:

SJR41: Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

003 VICE CHAIR PHILLIPS: calls the meeting to order at 9:40 a.m. as a subcommittee.

005 Opens public hearing on SJR41.

Witnesses:

Senate President Gordon Smith
Olive Hodson, Oregon Women's Leadership Task Force
Rep. Kevin Mannix
Rep. Liz VanLeeuwen
Susan MARSHALL, attorney
Melissa DELANY, Crime Specialist
Kellie D. Winchester
Stan Winchester
Louise Shaw
Marie Bell
Jane Pooler
Michael Howden, Capitol Research Institute
Jeff Vanek
M. Max Williams, attorney
Judith E. Harold, Oregon Library Association's Intellectual Freedom Committee.

008 SENATE PRESIDENT GORDON SMITH: testifies in favor of SJR41. The proposed amendment to the Oregon Constitution says that obscenity and child pornography shall receive no greater protection than afforded by the U. S. Constitution.

026 SEN. SMITH: testifies that Oregon is below the national standard with such regulation.

040 SEN. SMITH: states that the measure would enable Oregon to address the cause, rather than the symptoms, of crime and violence.

080 OLIVE HODSON, EXECUTIVE DIRECTOR, OREGON WOMEN'S LEADERSHIP TASK FORCE: testifies in favor of SJR41. Presents written testimony (EXHIBIT C).

093 HODSON: discusses child pornography as it is interpreted legally in Oregon.

108 HODSON: testifies on the legal sale of adult products and products which illustrate violent acts.

134 REP. KEVIN MANNIX: testifies in favor of SJR41. Notes it's similarity to HJR 20. Explains that he has deliberately chosen different language from that which was defeated in the last election.

154 REP. MANNIX: explains that the protection afforded in Oregon needs to be at the same level currently established by the federal government.

171 SEN. PHILLIPS: notes that the measure appears to be similar to that which was just voted on, and disapproved. Asks Rep. Mannix to address the issue.

183 REP. MANNIX: answers that the measures contain different language. He states that the language in the citizen's initiative was written in such a way to imply impacts which would not have been true.

210 SEN. PHILLIPS: asks if Rep. Mannix has, for the record, material which indicates the differences between SJR41 and the citizen's initiative.

220 REP. MANNIX: responds that he would be happy to provide that information.

225 REP. LIZ VANLEEUEWEN: testifies in favor of SJR41.

260 SUSAN MARSHALL, an attorney in Portland, testifies in favor of SJR41. Presents written testimony (EXHIBIT D).

270 MARSHALL: testifies on the changes in her neighborhood as a result of the addition of several "adult" stores and other stores which sell pornographic material.

290 MARSHALL: notes the explosion in the number of such stores that have opened in Portland and Oregon since 1987.

320 MARSHALL: feels that an amendment to the Oregon Constitution, namely SJR41, is the most effective and fairest method to address the issue.

331 MARSHALL: indicates that her research shows that Oregon is far from the national norm with regard to these issues.

344 MARSHALL: explains that she has been asked by the mayor of Portland to draft a zoning law which would fall under current statute. She feels that is an impossible task, and calls for the passage of SJR41.

369 MARSHALL: notes that the nuisance laws are unworkable towards addressing the issues. Feels that such statues turn ordinary citizens into police.

391 MARSHALL: explains that group picketing strategies open up the pickets to potential retaliatory action, potentially threaten the civil rights of the business, and would simply send the business from neigHB orhood to neigHB orhood, rather than solving the problem.

Tape 36 Side A

005 MARSHALL: states that it is necessary to have the citizens and the legislature define obscenity.

010 SEN. PHILLIPS: asks if it would be workable to use the language in the U.S. Constitution.

015 MARSHALL: answers that the language is open to interpretation by the Oregon Supreme Court, and explains that it would not be successful.

027 MARSHALL: explains that the area becomes a target for drug use and prostitution.

035 MARSHALL: indicates that there must be a balance between the protection of the community from such situations, and the civil rights of citizens to operate a business free from undue violation of civil rights.

050 MARSHALL: refers to past decisions made with regard to obscenity and the banning of literature.

060 SEN. PHILLIPS: explains that the Senate assembly is meeting during this time, and that although he is excused from session, he may be called upon to vote at the assembly.

072 MARSHALL: discusses the connections between pornography and the protection of free speech.

088 MELISSA DELANY, CRIME SPECIALIST, testifies in favor of SJR41.

093 DELANY: explains that the areas she serves are highly affected by such businesses. Notes that a great deal of money are made at the businesses.

100 DELANY: notes that since 1987, Oregon has become a logical destination for such businesses.

115 DELANY: refers to a 1992 incident involving a gentleman visiting the adult hotel on Powell Blvd in Portland who went across the street to a middle school and raped a young girl.

140 DELANY: shares examples of customer activity in the stores in the Portland area.

148 DELANY: refers to the nude dancing studios. Explains the nature of the activity in the studios.

170 DELANY: discusses street prostitution and its impact on the community.

186 MARSHALL: adds that she has submitted for the record a letter from the Southeast Uplift Neighborhood Program (EXHIBIT N) and a letter from Sharon M. Ward (EXHIBIT O).

193 KELLIE D. WINCHESTER testifies in favor of SJR41. Presents written testimony (EXHIBIT E).

230 WINCHESTER: discusses child pornography.

250 WINCHESTER: explains that the material develops into violent acts.

283 WINCHESTER: explains the serious implications upon the victims and their families.

307 STAN WINCHESTER: testifies in favor of SJR41. Presents written testimony (EXHIBIT F).

314 WINCHESTER: feels it is Oregon's responsibility to amend the constitution to prevent pornography.

320 WINCHESTER: relates personal experience with sexual assault in the production of child pornography.

359 WINCHESTER: relates the continual implications of such experience on the victims and families of the victims.

380 WINCHESTER: refers to freedom of speech, and his belief that such freedom should not leave victims.

Tape 35 Side B

007 LOUISE SHAW testifies in favor of SJR41. Presents written testimony (EXHIBIT G).

010 SHAW: outlines activities that are currently legal in Oregon, including the purchase of child pornography and nude dancing on cable access television.

015 SHAW: explains that such activities are legal due to interpretations by the State Supreme Court.

025 SHAW: testifies that legal paraphernalia can include images of rape and other violent acts.

044 SHAW: explains that in Los Angeles, California, there are only five nude dancing establishments and none serve alcohol.

055 SHAW: notes that for over 150 years, the courts have interpreted the

constitution to ban obscenity.

065 SHAW: testifies that she had sent letters to libraries in states which had strict anti-obscenity laws to determine if book banning had occurred as a result of such laws. Reports that no books had been banned as a result.

086 SHAW: states that she does not believe SJR41 would negatively impact civil rights.

104 SHAW: testifies that SJR41 is a vehicle to protect women and children.

115 SHAW: explains that the measure would not take away First Amendment rights.

120 MARIE BELL testifies in favor of SJR41. Presents written testimony (EXHIBIT H).

145 BELL: testifies that the largest consumer group of adult material are adolescent boys between 12 and 17 years of age.

170 BELL: testifies that the rights of Oregon children are violated by the lack of protection against child pornography.

189 BELL: submits that during Measure 19, the information submitted against the measure was blatantly incorrect. Refers to material presented by the League of Women Voters during the initiative campaign.

200 BELL: testifies that other states can provide Oregon with examples of what happens when resolutions such as SJR41 are passed.

222 JANE POOLER: testifies in favor of SJR41. Presents written testimony (EXHIBIT I).

234 POOLER: notes that the law allows girls under the age of 21 to dance in nude dance bars. Explains that the law allows girls at any age to be in the establishments as performers.

272 POOLER: asks for the Oregon Constitution to be brought up to the standard of the U.S. Constitution.

285 POOLER: explains that girls under the age of 21 are still struggling with decisions about their lives. Calls for a minimum age limit of 21, at least.

302 MICHAEL HOWDEN, EXECUTIVE DIRECTOR, CAPITOL RESEARCH INSTITUTE, testifies in favor of SJR41. Presents written testimony (EXHIBIT J).

316 HOWDEN: discusses rates of child molestation. Explains that often pornographic materials are used during the molestation.

333 HOWDEN: indicates that studies have indicated the connection between violent pornographic material and violent action.

360 HOWDEN: testifies that, in his work with young people, he has noted the lowering of self-respect and respect for women by the children.

016 JEFF VANEK testifies in favor of SJR41. Submits written testimony (EXHIBIT K).

026 VANEK: states that the citizens clearly call for action on the measure. Indicates that it is necessary to define pornography legally.

040 M. MAX WILLIAMS II: submits written testimony (EXHIBIT L). He does not speak.

040 JUDITH E. HAROLD, CHAIR, OREGON LIBRARY ASSOCIATION'S INTELLECTUAL FREEDOM COMMITTEE, presents written testimony (EXHIBIT M). She does not speak.

CHERI UNGER, PRESIDENT, LEAGUE OF WOMEN VOTERS OF OREGON: submits a prepared statement in opposition to Measure 19 (EXHIBIT P).

DOUGLAS HAWKINS, WATER TOWER BOOKS: submits a statement in opposition to SJR41 (EXHIBIT A).

ELIZABETH ATLY: FAXED to the committee a statement in opposition to SJR 41 (EXHIBIT B).

040 CHAIR: adjourns meeting.

Submitted by,

Annetta Mullins

EXHIBIT SUMMARY

A - SJR41, prepared statement, D. Hawkins, 1 p
B - SJR41, prepared statement, Elizabeth Atly, 1 p
C - SJR41, prepared statement, Olive Hudson, 12 pp
D - SJR41, prepared statement, Susan Marshall
E - SJR41, prepared statement, Kellie D. Winchester, 2 pp
F - SJR41, prepared statement, Stanley Winchester, 2 pp
G - SJR41, prepared statement, Louise Shaw, 6 pp
H - SJR41, prepared statement, Marie Bell, 1 p
I - SJR41, prepared statement, Jayne Pooler, 2 pp
J - SJR41, prepared statement, Michael Howden, 2 pp
K - SJR41, prepared statement, Jeff Vanek, 1 p
L - SJR41, prepared statement, M. Max Williams II, 6 pp
M - SJR41, prepared statement, Judith E. Harold, 1 p
N - SJR41, prepared statement, Southeast Uplift NeighB orhood Program by Susan Marshall, 2 pp
O - SJR41, prepared statement, Sharon M. Ward, 1 p
P - SJR41, prepared statement, Cheri Unger, 1 p