

# Oregon Daily Emerald



Oregon takes on Colorado **Section B**

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## Myers declares gay marriages violate Ore. law

The state's attorney general and governor said same-sex marriages violate state statutes, but deferred the issue to the Oregon Supreme Court

By Parker Howell  
Freelance Reporter

Oregon Attorney General Hardy Myers released an advisory statement Friday concluding that current state law prohibits counties from issuing same-sex marriage licenses.

However, Myers' statement, which was prepared in response to Multnomah County's recent decision to award same-sex marriage licenses, also concedes those existing state statutes may be unconstitutional.

Although Oregon Gov. Ted Kulongoski urged Multnomah County to refrain from issuing same-sex marriage licenses, neither he nor Myers proposed specific action to prohibit the county from doing so, nor did they advocate pursuing criminal charges against county officials.

Myers summarized his statement during an afternoon press conference in Salem with Kulongoski.

"... we conclude that existing Oregon statutes authorize issuance of a marriage license only to one man and one woman," Myers said in his statement, indicating that same-sex marriage is "not permissible" under state law.

Myers said in the brief that the Oregon Constitution doesn't contain any provisions preventing the Oregon Legislature from enacting a law allowing same-sex marriage. But he stressed at the press conference that the statutes and constitutional provisions are open to a variety of interpretations.

He added that marriage clearly gives people legal rights, benefits and obligations under current Oregon laws, and denying these rights to a certain group of people could be deemed unconstitutional.

"The Oregon Supreme Court likely would conclude that withholding from same-sex couples legal rights ... violates Article I, section 20, of the Oregon Constitution," Myers said in his brief.

Citing Myers' findings, Kulongoski said at the press conference

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## Sizzling with style

LGBTQA held a drag show Saturday to raise awareness about HIV and AIDS



Erik R. Bishoff Photographer

Drag entertainer DRED performs for the sold-out crowd of "Sizzle!" in the EMU ballroom on Saturday night.

Amid bow ties and boas, pimp furs and parasols, mustaches and mini flapper dresses, hundreds of students and community members celebrated "fluid sexuality" Saturday night in the EMU Ballroom.

LGBTQA sponsored the sold-out drag show, entitled "Sizzle!," to raise awareness about AIDS and HIV.

Many people were unable to get into the ballroom, and some were left sitting on the floor. Visiting Los Angeles performer DRED dominated the stage for the first half of the event with her drag king outfit. She elicited wild applause with a rendition of "Natural Woman" and answered questions from audience members, including "Where's your favorite place to shop?" and "Can I have your number?"

Audience members also made cat-calls in response to her singing and dancing.

"She was provocative and entertaining," junior Erin Baldwin said. "She raised great questions about gender in our society."

Dred's Web site describes her as an artist, poet, educator, activist, singer and gender-illusioning woman.

"Her shows are visually stimulating, thought-provoking, funky, fly, supernatural-high musical performances on gender-fluidity," the Web site states. "Through her performances she brings attention to how society domesticates us into our preconceived notions of sexuality, race, gender, life, humanity and spirituality, bringing us one step closer to losing our inhibitions, prejudices and stereotypes we come into contact with daily."

— Catherine Ryan

## Judge says EPD lacked probable cause in party bust

All charges against student Patrick McEachern based on a 2002 bust at his apartment were dropped

By Chuck Slothower  
News Reporter

University senior Patrick McEachern fought the law, and he won.

The business administration major faced three charges related to a party he hosted on Nov. 17, 2002, but they were all dropped after a municipal judge ruled that the Eugene Police Department illegally gathered the evidence against him.

ASUO Legal Services Director Ilona Koleszar, who represented McEachern in court, said illegal entry is part of a pattern of aggressive police tactics to enter and

break up parties where officers believe minors are consuming alcohol.

"Their theory seems to be if two or more gather in the name of fun, it must be crime," Koleszar said.

EPD recently used undercover officers — for the first time ever — to enter a party last month. About \$15,000 worth of musical equipment was confiscated by the Oregon Liquor Control Commission, and EPD confiscated two kegs and cited 17 minors for underage drinking.

Eugene Police Lt. Chuck Tilby said EPD's tactics are in line with common police practices around the nation.

"We compare ourselves with other agencies that face these same kinds of circumstances all across the country," Tilby said. "We're all doing the same thing. There are only so many tools."

EPD has said it will continue to use

undercover officers as part of its plan to "proactively" prevent riots, and EPD officer Terry Fitzpatrick told the Emerald in February that the tactics are perfectly legal.

"If none of these problems happened, would we be approaching it in the same way?" Tilby said. "Probably not."

McEachern's story is one in which EPD's conduct was deemed lawless.

McEachern was cited in November 2002 by EPD for furnishing alcohol to minors, possession of less than an ounce of marijuana and minor in possession in connection with a party he hosted at his Ducks Village apartment.

According to the police report, EPD officers knocked on McEachern's door and ordered him to open it. When no one answered, an officer climbed onto McEachern's second-floor balcony and entered

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Lauren Wimer Photographer

EPD entered this Ducks Village apartment by climbing onto the balcony to break up a party in 2002. A judge ruled they used illegal tactics.

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