

local news

Wedding bell blues

Lesbian couple sues Oregonian for refusing to print their wedding announcement

by Inga Sorensen

Why is this so important to you?" a reporter asked Sandra Linebarier, who is scheduled to wed her partner of two years, Charlene Morris, this month.

The question was prompted by a lawsuit brought by the couple against *The Oregonian*, which refuses to publish their wedding announcement.

"Why is it so important to heterosexuals?" responded Linebarier. "This is the happiest time of my life and I want to share my joy with the community."

As we reported in our July 19 issue, the lawsuit, which was filed July 17 in Multnomah County District Court, charges the newspaper with violating city and state laws that prohibit discrimination in public accommodations.

Linebarier, 45, and Morris, 44, of Southeast Portland, say they contacted *The Oregonian* early in July to arrange for the publication of their wedding announcement in the paper's "Weddings" section.

When the women informed *The Oregonian* that they were a same-sex couple, they were told that the paper only publishes "legal marriages," i.e., heterosexual weddings.

Linebarier and Morris sent a letter to *The Oregonian*—prior to the filing of the lawsuit—requesting the newspaper voluntarily end its discriminatory policy.

The newspaper not only refused, they say, it went so far as to threaten sanctions against the couple if they pursued legal action.

"There is this misperception that gay people don't have long-lasting, permanent and valid relationships. That simply isn't true. I had hoped *The Oregonian* would have recognized this and made this service available to the entire community, not just heterosexuals," said Linebarier.

Despite *The Oregonian*'s threat, the couple sued, and on July 26, Joe D. Bailey, a Multnomah County circuit judge pro-tem heard testimony in the case.

"I felt a little dirty," testified Linebarier, when asked to describe how she felt when *Oregonian* representatives told her they would not publish her announcement.

"They made me feel like I was doing something illegal or sneaky or bad," Linebarier said, fighting tears.

She talked about her uplifting experience shopping for gold bands and making arrangements for the wedding, which will be held in a Portland public park.

(The couple is being charged the wedding rate by the city. Linebarier says the city views the ceremony as a wedding, regardless of the couple's sexual orientation.)

Dr. Mary Ann Humphrey, an educator and author, testified about her 1992 wedding to her partner of nearly a decade. The ceremony was officiated by a religious authority from the United Church of Christ in Wilsonville.

Humphrey testified that she had filled out the proper *Oregonian* paperwork, and "personally delivered [the couple's wedding photo] so it wouldn't get lost."

Several weeks passed and still there was no sign of the announcement. Humphrey says she contacted *The Oregonian* to inquire about the delay and was instead instructed to pick up her materials, which she was told would not be published because hers was a same-sex wedding.

Tigard resident Penny Liebertz, a 72-year-old

mother of eight, also testified about her experience with *The Oregonian*, which had published her straight children's wedding notices, but refused to do the same for her gay son, Jim.

While *The Oregonian* refused to run the Liebertz-Marcial announcement, the mainstream weekly newspaper, *Tigard Times*, did.

Portland attorney Charles Hinkle, who represents *The Oregonian*, argued that wedding announcements are considered news and thus constitutionally protected as free speech.

Oregonian editor Sandra Mims Rowe, the defendant's sole witness, stated the newspaper only printed state-recognized marriages.

The exclusion of same-sex couples from the "Weddings" section wasn't the only *Oregonian* practice questioned during the hearing.

Jocelyn Somers, an attorney with the federal government, testified that she and her partner of many years, Kathleen MacNaughton, a real estate agent, had hoped to publicly celebrate the 1993 birth of their son.

Like other proud mothers, Somers filled out the paperwork that is circulated among parents after the births of their babies. "When it appeared in *The Oregonian*, Kathleen's name had been removed," Somers testified, adding it left the impression that Somers was a single parent, which was not accurate.

Somers says she called *The Oregonian* to inquire about the omission and was told by staffer Jerry Boone the newspaper didn't print information about same-sex couples.

"I asked him whether they would have printed the information in full if it had included a man's name. He said yes. I then asked whether they would have bothered to check to see if that information were factual. He told me no, and said *The Oregonian* would automatically print the information if it included a man's name. I said to him, 'So I could have written down that the father was Jerry Boone or Donald Duck and you would have printed it?' He said 'Yes.'"

According to Somers, the *Beaverton Valley Times*, a mainstream weekly newspaper, published the birth announcement intact.

The plaintiff's attorney, Renée Jacobs, says Somers' experience destroys *The Oregonian*'s "explanation" that it doesn't print same-sex wedding announcements based solely on legal definitions, particularly because same-sex couples can adopt each other's children in Oregon.

"*The Oregonian*'s decisions are obviously prompted by the subject's sexual orientation rather than the content of the submitted announcement, which is virtually identical to the thousands of others submitted by opposite-sex couples," Jacobs says. "The newspaper is discriminating based on *who* is submitting the information. The First Amendment doesn't offer protection for that kind of discrimination."

We attempted to interview Rowe immediately after the hearing. She told us she could not comment on a pending case.

The following day—in *The Oregonian*—Rowe is quoted as saying her paper does not discriminate against gay men and lesbians.

The piece did not include comment from the plaintiffs, nor did it specify which laws the plaintiffs alleged had been violated. It did not mention the several witnesses who testified on behalf of the plaintiffs.

Judge Bailey, meanwhile, says he will issue an opinion on the case by Aug. 5.





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