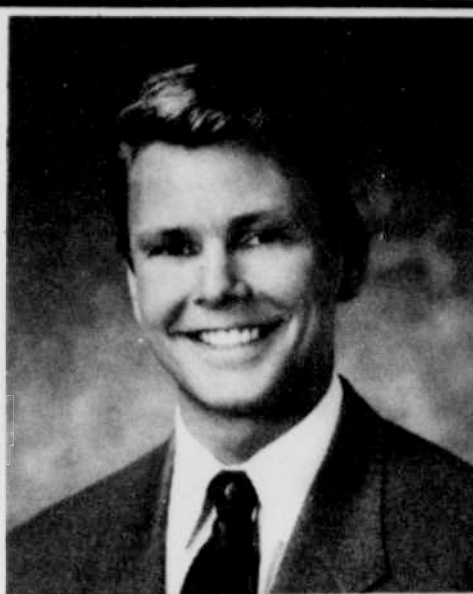


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local news

A hollow victory

The Oregonian will now publish lesbian and gay wedding announcements—for a fee

by Inga Sorensen

Oregonian editor Sandra Mims Rowe says her newspaper will publish birth notices submitted by same-sex couples, and will accept—as advertisements—gay and lesbian couples' wedding announcements.

Rowe's comments come on the heels of a lawsuit filed on behalf of a lesbian couple who charged that *The Oregonian's* refusal to run their wedding notice violated city and state laws prohibiting discrimination in public accommodations.

The newspaper's attorney, Charles Hinkle, argued wedding announcements were considered news and thus constitutionally protected as free speech.

Stating that "the courts and legislatures cannot tell newspapers what to print," Joe D. Bailey, a Multnomah County district judge pro tem, agreed with the newspaper and denied a preliminary injunction that would have forced *The Oregonian* to publish Sandra Linebarrier and Charlene Morris' wedding notice.

In a written opinion issued Aug. 5, Bailey did, however, say that while "[t]here is a rational basis for choosing to have 'wedding' mean 'the marriage ceremony of persons of opposite sexes'... [t]here is [also] a rational basis for the meaning plaintiffs assign to 'wedding.' The Oregon courts are likely to hold that *The Oregonian* is free to choose either definition."

In its coverage of the story, *The Oregonian* printed only the portion of the ruling where Bailey stated, "There is a rational basis for choosing to have 'wedding' mean 'the marriage ceremony of persons of opposite sexes.'" It made no mention of the judge's assessment that the plaintiffs' definition of wedding was also rational.

"The judge ruled there was a rational basis for either definition of wedding," says Linebarrier. "*The Oregonian* has clearly made the decision to discriminate against same-sex couples. It chooses to only print heterosexual weddings. They could choose to be more inclusive, but have selected not to."

The couple contacted *The Oregonian* in early July to arrange for the publication of their wedding announcement in the paper's "Weddings" section—a free service to the community.

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

Rowe tells *Just Out* it is "logical" that her paper uses only the state-sanctioned definition of marriage.

Linebarrier says a letter was sent to *The Oregonian*—prior to the filing of the lawsuit on July 17—requesting that the newspaper voluntarily end its discriminatory policy. The newspaper refused and threatened sanctions against the couple if they pursued legal action.

"The real shame is that *The Oregonian* created the occasion for legal action by choosing to discriminate," says Bonnie Tinker, executive director of Love Makes a Family Inc. "I would expect

them to voluntarily set a standard that discrimination against lesbians and gays is unacceptable in a democratic society, rather than to uphold the status quo by granting special rights to heterosexual married couples."

She adds, "*The Oregonian* is hypocritically claiming First Amendment rights to freedom of speech [yet] denies this same freedom of speech to a lesbian couple. The question is not 'Does the press have the right to print the news it chooses?' but 'Does the press have a right to discriminate once it has offered the wedding announcement page freely to the public?'"

The couple's attorney, Renée Jacobs, says: "*The Oregonian* should not confuse the judge's ruling with a mandate to continue its discrimination. It's unfortunate that *The Oregonian* has

chosen to discriminate, and cloaked that discrimination in the First Amendment, instead of simply ending the discrimination. For *The Oregonian*, this should be a hollow victory."

Rowe, meanwhile, says the suggestion that *The Oregonian* is homophobic is "offensive and ridiculous."

For now, unlike wedded opposite-sex couples, gay and lesbian couples will have to pay to have their announcements published. Rowe says while there are no plans to treat same-sex wedding announcements and heterosexual wedding no-

tices equally, she won't rule out the possibility in the future.

"I'm certainly not going to say that we'll never do it," she tells *Just Out*.

On July 26, Bailey heard testimony in the case. Witnesses for the plaintiffs included Dr. Mary Ann Humphrey, an educator and author who testified about *The Oregonian's* refusal to run a notice about her 1992 wedding to her partner of nearly a decade. Tigard resident Penny Liebertz, a 72-year-old mother of eight, also testified about the paper's refusal to publish her gay son's wedding announcement.

During the hearing, Jocelyn Somers, an attorney who works for the federal government, testified about the anguish she felt when *The Oregonian* deleted her same-sex partner's name from a notice submitted upon the birth of the couple's son.

Somers testified that when she contacted the paper to inquire about the omission, staffer Jerry Boone told her the paper did not print information about same-sex couples. Somers says Boone told her *The Oregonian* would have printed the information in full if it included a man's name.

"So I could have written down that the father was Jerry Boone or Donald Duck and you would have printed it?" she says she asked Boone. "He said, 'Yes.'"

Rowe says she can't account for Somers' testimony and doesn't know if "it's right or wrong."

She admits, however, that there is no written policy addressing the matter, and says individual staffers may have used their own discretion in deciding to accept, in full, birth announcements from same-sex couples.

