



Eric Tooley (left) and Ray Elliot walking down the aisle

# PROPOSAL FOR FAIRNESS

**Same-sex partnerships may enjoy more recognition than ever before, but the brass ring of marriage—and its host of associated entitlements—remains out of reach**  
 by Will O'Bryan • photos by Linda Kliewer

**F**eb. 12 marked National Freedom to Marry Day, a project of the National Freedom to Marry Coalition. The coalition formed in 1995 and includes groups as varied as Log Cabin Republicans, the National Center for Lesbian Rights and the Union of American Hebrew Congregations Reform Judaism.

For the past four years, the coalition has been working to legalize same-sex marriage under a simple premise: "Because marriage is a basic human right and individual personal choice...the state should not interfere with same-gender couples who choose to marry and share fully and equally in the rights, responsibilities and commitment of civil marriage."

While the coalition's resolution may sound like a common-sense statement of the civil rights for which gay men and lesbians are fighting, the right to marry is arguably the most emotionally charged. Accordingly, in a country that generally considers itself grounded in Judeo-Christian tradition and holds fast to an idealized

vision of "family," it may also be the right that would permanently knot gays and lesbians into the fabric of U.S. society.

But popular opinion seems to have a way to go. There is no state in the union where same-sex couples can get legally married. Citizens of Hawaii and Alaska recently voted in overwhelming numbers to allow state legislators to recognize marriage as an institution only between a man and a woman.

The Virginia Beach, Va.-based American Center for Law and Justice, a conservative legal group, called the votes "a major victory for family and marriage" in a Nov. 4 press release.

The release included statements from the center's chief legal counsel, Jay Sekulow: "These watershed votes clearly repudiate a well-funded attempt by the homosexual community to legitimize their lifestyle through the legislative process.... It is clear that America is not—and may never well be—ready for homosexual marriage."

Like Sekulow, Jean Harris, executive director

of the statewide queer-rights advocacy and lobbying organization Basic Rights Oregon, recognizes same-sex marriage as a watershed issue not being readily embraced by the electorate.

"I think the polling doesn't look good for us," surmises Harris, cautioning, "That doesn't mean we don't need to work toward that goal.... The right wing has found a vulnerability. It is definitely their issue."

So what's standing in the way?

When asked by *Just Out* for the basic reasoning as to why so many people are opposed to same-sex marriage, Pastor Tom Baker of the Portland Foursquare Church—a conservative denomination by most measures—offered this statement: "From the beginning God made mankind male and female. Marriage is the cleaving together of male and female life and reproducing life. The anatomical agreement facilitating reproduction does not function in same-sex unions. Same-sex marriage is naturally dysfunctional and inconsistent with the Creator's blueprints for marriage as recorded in

scripture." (Considering the source, it's not a surprising summary.)

For Mark Johnson, a gay man and president of the Oregon State Bar, the arguments against same-sex marriage are more elusive.

"Frankly, I haven't perceived exactly what they are," he admits. "They seem to be based on fear, and an irrational fear at that. I really don't follow it. You can't really get your hands on them except to say that people are afraid of change."

Bonnie Tinker is the executive director of Love Makes a Family Inc., an advocacy group for sexual minority parents and children located in Portland. She looks deeply into society's social structure to explain the resistance to same-sex marriage, as well as what legalization could mean to our national psyche.

Says Tinker, "[Those opposed] know that if we gain this, they can no longer exclude us."

She explains that the move by some gay men

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