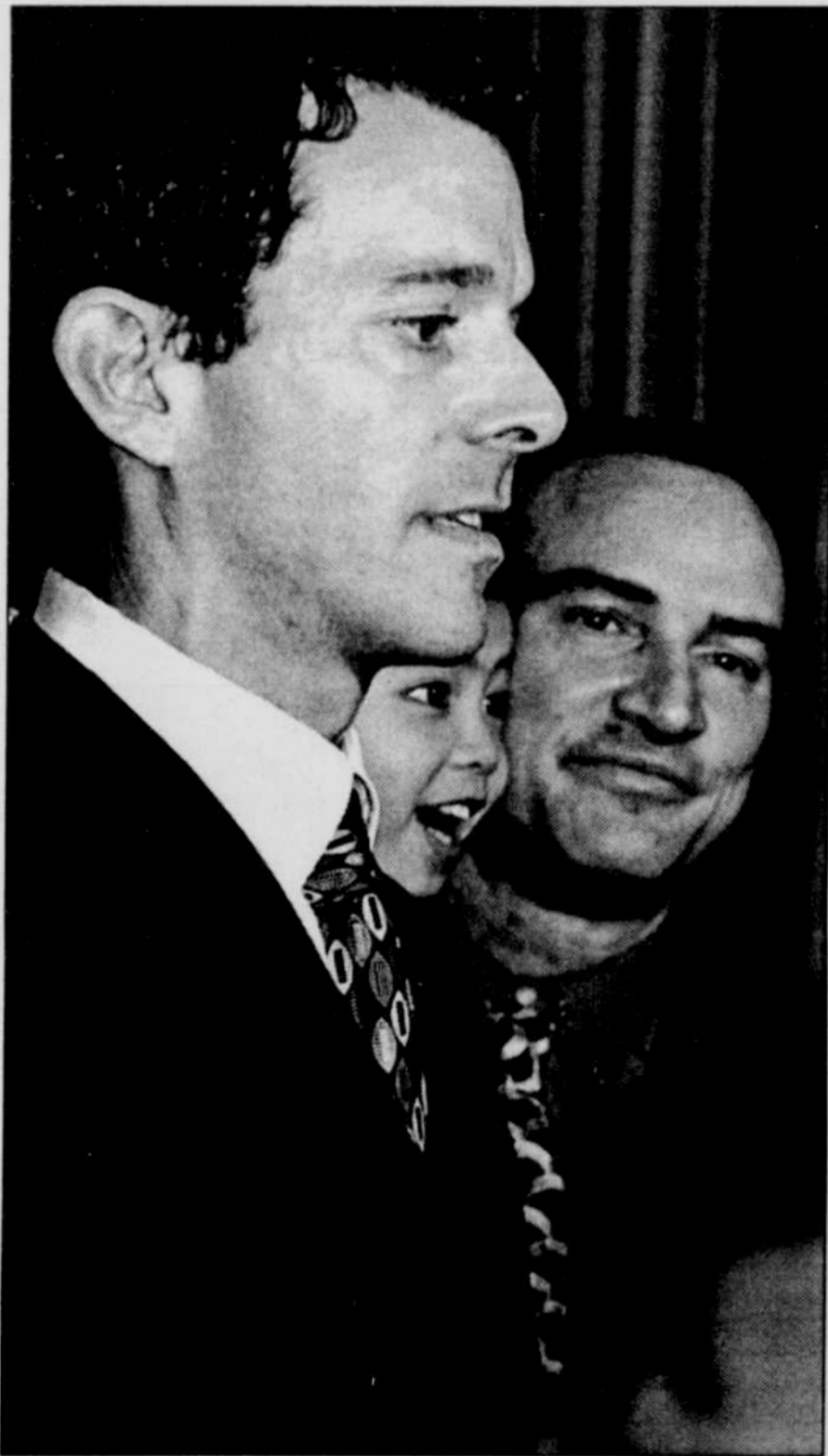


Wedded Bliss

Multnomah County issues marriage licenses to same-sex couples

by Jim Radosta • Photos by Marty Davis



Without a marriage license, Drs. Eric Warshaw (left) and Stephen Knox said they had to endure "legal wrangling" to secure protections for their three children

In a stunning historical move that could forever change the lives of countless families, Multnomah County began issuing marriage licenses to same-sex couples March 3.

The surprise decision was kept under wraps until March 2, but officials had been working behind the scenes for weeks to determine the constitutionality of denying marriage licenses based on gender or sexual orientation. Having been approached by Basic Rights Oregon, County Commissioners Lisa Naito and Serena Cruz asked County Attorney Agnes Sowle whether this type of discrimination is permissible under current law.

"Refusal to issue marriage licenses to same-sex couples violates Article 1, Section 20, of the Oregon Constitution," Sowle's opinion stated. "Multnomah County is required to act in accordance with the constitution."

The constitution prohibits the state, a municipality or any other government actor from discriminating against an individual on the basis of a protected class in the enactment or the administration of a state law. The Oregon Court of Appeal ruled in 1998's *Tanner vs. Oregon Health Sciences University* decision that sexual orientation is a class entitled to constitutional protection.

"Oregon appellate courts have ruled that discrimination against gay and lesbian couples by state and local governments is unconstitutional in Oregon," said David Fidanque, American Civil Liberties Union of Oregon executive director. "Marriage is a commitment between two people who choose to share their lives together through good times and bad. We applaud Multnomah County for recognizing that same-sex couples should not be denied the same rights and responsibilities that other married couples have under state law."

This wasn't the commission's first effort to recognize gay and lesbian families. It launched a domestic partnership registry Sept. 1, 2000, allowing same- and opposite-sex couples to document their relationship; nearly 600 certificates have been issued since then, but the documents are strictly symbolic.

"We will not allow discrimination to continue when the constitution of the state of Oregon grants privileges equally to all citizens," said Naito, who helped enact the registry 3 1/2 years ago.

"Same-sex couples want their relationships to have the same legal weight as heterosexual relationships—the right to inherit assets, own their homes jointly and cover their families with health insurance."

According to BRO executive director Roey Thorpe, only marriage provides the same full legal protections to same-sex couples and their families afforded to opposite-sex couples. Marriage offers more than 1,000 federal and 500 state legal protections and rights affecting matters such as court testimony, tax breaks, parenting, benefits for the spouses of police officers and firefighters, hospital visitation, end-of-life decisions, burial and inheritance.

"Marriage is about protecting and recognizing families—all families," Thorpe said. "Gay and lesbian couples and their children deserve the same support and benefits that any other family in the state receives as a result of marriage."

Unlike San Francisco, which has issued thousands of marriage licenses to same-sex couples since Feb. 12, Oregon does not have a "Defense of Marriage Act" that specifically defines marriage as "between a man and a woman." However, four versions of a proposed initiative were filed Feb. 19 that would take away any legal recognition of same-sex relationships, including civil unions and domestic partnerships, in the state. A measure could appear on the November ballot.

Lambda Legal attorney Jennifer C. Pizer, who is part of the legal team defending married same-sex couples in San Francisco, praised Multnomah County for joining the national trend toward treating same-sex couples equally under the law. She was part of the legal team involved in the precedent-setting *Tanner* litigation.

"The marriages in Multnomah County aren't just part of a national trend, they're part of a long-running tradition of fairness in Oregon," Pizer said. "In our work on behalf of gay and lesbian couples in Oregon over the years, we've seen that the courts and the public believe in treating everyone equally and ending discrimination. Given the state's long commitment to equal civil rights for all Oregonians, it's a natural development to see local officials being responsible about fulfilling their constitutional duty and ending this type of discrimination."

Reaction to the commissioners' decision was all over the



It's Time, Oregon! executive director Lori Buckwalter (right) married her partner of seven years, Debra Samuel



From right, former Oregon Supreme Court Justice Betty Roberts officiates at the wedding of Mary Li and Becky Kennedy at the Hilton Hotel



From left, Multnomah County Attorney Agnes Sowle meets the press with Commissioners Maria Rojo de Steffey, Diane Linn, Serena Cruz and Lisa Naito