

Diane Linn was the picture of calm March 12. It was only one hour before Oregon Attorney General Hardy Myers handed down his opinion on the legality of same-sex marriage licenses, and though Linn admitted to being sleep deprived, she looked ready for anything.

"It's very important to define what I did, and what the board did, in its purest sense," the Multnomah County chair said, getting right down to business. Her no-nonsense style has thrown some Portlanders into a tizzy this month.

Linn clearly states that her decision to issue marriage licenses to gay and lesbian couples was a procedural change—not a legislative policy change—based upon the opinion of the county's attorney and outside counsel that to disallow marriage licenses for same-sex couples violates the Oregon Constitution. With the backing of three of the four county commissioners, Linn ordered that the county "would no longer withhold" the licenses.

Linn says the decision to change how the state marriage law would be administered is akin to decisions she makes every day, without public input. "We don't publicly debate whether we're going to follow the law or not."

The county has hardly sidestepped public debate on gay marriage rights, Linn says. "We just did an administrative step in the process."

She attributes the intense concern about the commissioners' process to the Rose City's tradition of public involvement. As a lifelong Portlander, she is well-versed in the city's personality and mores. Before running for office, she served as director of the city of Portland's Office of Neighborhood Involvement. Prior to that, she helmed the Oregon affiliate of the National Abortion Rights Action League from 1990 to 1993 and was vice president of programming and public affairs for Paragon Cable TV during the 1980s.

"In this community, we have a long history of lots of process, comprehensive plans and deep dives into whether we go into this direction or that direction," she says. "I honor that about this community."

Linn says the decision before her March 2 was not whether to involve the public, but whether to follow the law. "Had it been something I'd been morally against and the law told me I had to do it, I would still do it."

The alternative would have been to be sued by gay or lesbian couples. "I think I've been very honest and candid about the fact that I know we made a conscious decision not to go the direction of being sued and forced," she says, a position she stands firm on in light of Myers' opinion that the Oregon Supreme Court would find current marriage laws unconstitutional. A

COUNTY CHAIR IN THE HOT SEAT

Diane Linn stands by her decision to uphold the Oregon Constitution

by Meg Daly



Multnomah County Chair Diane Linn (right, with Commissioner Maria Rojo de Steffey) and her colleagues "truly believe that these unions should be honored"

March 15 statement from her office stated, "The attorney general's opinion offers no assurance whatsoever that Multnomah County will not be sued successfully by any same-sex couple who is denied a license while it waits for the issue to get to the Supreme Court."

Critics claim Linn overstepped the bounds of her authority by issuing licenses in the first place. She contends that the county charter extends broad authority to the chair. "The title is not very descriptive. It's sort of a piece of furniture...I've taken a lot of criticism for somehow over-reaching, when it's my responsibility to [run the county]."

Indeed, the county charter names the chair

as the chief executive officer of the board and states that "the county shall have authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the state of Oregon."

Regarding the emerging debate concerning state law vs. state constitution, Commissioner Lisa Naito defended her support of issuing same-sex marriage licenses in bald terms: "This is Law School 101. You learn in the first week of class that the constitution always prevails when state law is wrong."

Like Naito and fellow Commissioners Serena Cruz and Maria Rojo de Steffey, Linn is a longtime queer rights supporter. The question of same-sex marriage licenses was not only a matter of county authority, but also a matter of personal ethics. "[The] four of us truly believe that these unions should be honored."

The mother of four teen-agers, Linn notices a generational difference in the public's comfort level with same-sex marriage. Explaining to her daughter why anyone would discriminate against queers was a challenge. Her daughter asked: "Why wouldn't people support marriage? Isn't that a positive thing?"

For Linn, being able to look her daughter proudly

in the eye helps keep her strong right now. She hopes to be a good role model, the way her own mother was to her. Linn believes women need strong role models and cites former Oregon Gov. Barbara Roberts and former Oregon Supreme Court Justice Betty Roberts as two of hers, as well as Portland Mayor Vera Katz and former Multnomah County Chair Don Clark.

Another boost for Linn is "the looks on the faces of the people who are in line in front of our building." One male couple she met had been together all of their lives, as childhood friends and then as partners. "One of them is very ill and never thought he'd see this day," she says.

Linn has been in the trenches with women's and queer groups fighting for equal rights. She knows firsthand the frustrations about having to expend energy battling the religious right when that energy is needed to extend rights and services.

"We've been on the defensive," she says. "[The opposition is] pulling us back, and we're trying to step forward. The issue of gay marriage is stepping forward."

But she knew that in addition to celebration, there would be an uproar. "Before we did it...I was pretty conscious of the fact that there would be backlash.... I knew we were jumping ahead of where a whole lot of people's comfort level is."

While Linn has received many bouquets and thank-you notes from the sexual minorities community, a few queer voices were quick to publicly deride the commissioners' process. Such comments only feed the opposition, she says.

"I just want people to know how painful it is for us in the position we're in right now with the opposition using that tactic to challenge us.... I'm very happy to hear people's opinion. But publicly, it's not the right time."

Linn notes that it's easy to become insulated in progressive-minded Portland and to forget that we're part of a larger sea change in U.S. society at large. She says she never expected to be in such a position at this point in time. And while it's a historic moment, she

can already see ahead to when the tide has fully turned.

"We'll look back on this as a blip on the screen someday," she says. "It's only a matter of time until we get all the way to the end result where everyone will be honored in the community." □

Features Editor MEG DALY can be reached at megdaly@justout.com.

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Anne Seelye
Waddell & Reed
Financial Advisor

500 NE Multnomah
Portland, OR 97232
503.238.6036



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