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## LAW AND DISORDER

Just Out talks to Kelly Clark, attorney for the Defense of Marriage Coalition by Floyd Sklaver



PHOTO BY MARTY DAVIS

Kelly Clark believes children are better off with two opposite-sex parents

In a surprisingly quick ruling, Judge Frank Bearden has moved the same-sex marriage issue one step closer to resolution by punting to the Oregon Supreme Court and the Legislature.

In a decision that seemed to please everyone, he decided that the word marriage does not apply to same-sex couples but that all of the privileges of marriage do. Therefore, he ordered Multnomah County to stop issuing marriage licenses to same-sex couples; he ordered the Legislature to either amend the marriage statute or craft a civil unions bill; and, curiously, he ordered the state to record the licenses of the marriages that had already been performed.

Kelly Clark was the attorney representing the Defense of Marriage Coalition before Bearden. Just Out spoke with Clark the day after the ruling was released.

**Floyd Sklaver:** What do you think of yesterday's ruling?

**Kelly Clark:** [Bearden] deserves a lot of credit because he did something we asked him to do, which was to defer the social policy function to the Legislature.... In this regard, it was an example of judicial restraint.... I think that's a wise decision.

**FS:** Do you think the Legislature will take advantage of it?

**KC:** I think they will eventually.... For those of us conservatives who gripe about activist judges, it's frustrating sometimes to see legislatures not fulfilling their constitutional role.... It's hard for me to give the Legislature much sympathy when they start griping about other people usurping their power when they will not use their power responsibly.

**FS:** So, if this case hadn't been about process, would you have taken it?

**KC:** I might have, but I can tell you what got me fired up both professionally and personally was the process by which Multnomah County did what they did.... It certainly doesn't do anything for people's trust in government.

**FS:** Wouldn't we be kidding ourselves if we didn't admit that this kind of thing happens all the time on all sorts of issues?

**KC:** I don't excuse any of that. If it doesn't make sense for those on the left to do it, then it doesn't make sense for those on the right to do it.

**FS:** What do you think would have happened if the county held open forums and followed the proper channels?



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