

**WASHINGTON COURT SUPPORTS SAME-SEX MARRIAGE**

In what attorneys are calling "a historic ruling for fairness and equality" issued Aug. 4 in Seattle, a Washington state court ruled that same-sex couples must be allowed to marry.

King County Superior Court Judge William Downing said that the Washington Constitution guarantees basic rights to gay and lesbian people—and that those rights are violated by a state law prohibiting same-sex couples from marrying. The ruling said that the constitution requires same-sex couples to have equal access to marriage and that the eight plaintiff couples must be given marriage licenses.

"This is a huge victory and a historic day," said Kevin Cathcart, executive director of Lambda Legal, which served as co-counsel with the Northwest Women's Law Center. "The court recognized that unless gay people can marry, we are not being treated equally under the law. Same-sex couples need the protections and security marriage provides, and this ruling says we're entitled to get them the same way straight couples do."

Downing called the couples "law-abiding, taxpaying model citizens" and said, "There is no worthwhile institution that they would dishonor, much less destroy." His ruling added: "The characteristics embodied by these plaintiffs are ones that our society and the institution of marriage need more of, not less. Let the plaintiffs stand as inspirations for all those citizens, homosexual and heterosexual, who may follow their path."

The county and the state are expected to appeal the ruling, and the Washington Supreme Court may take the case directly and hear argu-



Heather Andersen and Leslie Christian, successful businesswomen who have been together for 14 years, sued the state of Washington for the right to marry

ments on an expedited basis. Attorney Jennifer Pizer, who played a key role in two legal victories at the high court in 2001, believes the justices have a track record of treating same-sex couples equally.

"The Washington Supreme Court will look closely at the important issues this case raises and come to the same conclusion the lower court reached," she said. "Our clients pay all the same taxes as their neighbors and co-workers, and they deserve all the same legal protections."

The Washington ruling goes further than an Oregon state court ruling earlier this year, which said the state's law prohibiting marriage between same-sex couples was unconstitutional but went on to say that civil unions or other measures could provide adequate protections to gay and lesbian couples. "We sought full marriage with this case—nothing more and nothing less—and that's what we got," Pizer said.

**BLUMENAUER SLAMS COURT-STRIPPING BILL**

By a 233-194 vote July 22, the House passed a measure that would strip courts of jurisdiction over challenges to an anti-gay federal marriage law and block access for same-sex couples to the judicial system.

The Marriage Protection Act seeks to deny the U.S. Supreme Court and all other federal courts the ability to consider any challenges to the cross-state recognition section of the Defense of Marriage Act. It would deny gay and lesbian couples the right to even have their day in federal court, thereby violating both the Equal Protection Clause and the separation of powers principle.

While no companion bill has been introduced in the Senate, if this measure were to become law, DOMA could only be challenged in state courts. Because the bill strips the Supreme Court of jurisdiction to hear such challenges, legal chaos could ensue, with as many as 50 different interpretations of DOMA, as each state supreme court would be the final authority on the law's constitutionality.

U.S. Rep. Earl Blumenauer, D-Ore., called the bill an assault on civil liberties. He added that it sets a dangerous precedent, threatening the safeguards between the judicial branch and the two other branches of government and depriving the federal courts of their traditional role as interpreters of the U.S. Constitution.

"It is unfortunate that the president and the Republican leadership have chosen to politicize the issue of gay marriage," Blumenauer said. "It is an outrageous assault on our system of checks

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