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and asking voters to oppose Ballot Measure 36, which would amend the Oregon Constitution to ban same-sex marriage. About 400,000 people are expected to attend the fair, which ends Sept. 6.

Primary sponsors of the booth are Multnomah Religious Society of Friends (Quakers), the American Friends Service Committee, Love Makes a Family and Parents, Families and Friends for Lesbians and Gays. Volunteers are engaging in conversations about how Measure 36 infringes on religious liberty and limits family rights.

"It is great to be here and have the opportunity to talk to so many people," said Lisa Clay, who has staffed the booth on several days. "There is a lot of opposition but also a lot of opportunity to share our belief that the constitution is no place to enshrine inequality."

To volunteer contact Bonnie Tinker at 503-504-1141 or bonnie@lmfamily.org.

COUNTY ORDERED TO RESUME ISSUING MARRIAGE LICENSES

A court in Corvallis ruled Aug. 25 that Benton County must immediately resume issuing marriage licenses to opposite-sex couples only. Earlier this year, commissioners voted to cease issuing all marriage licenses in Benton County rather than discriminate against same-sex couples.

In a released statement, county officials said they will comply with Senior Judge Wayne R. Harris' judgment to issue marriage licenses but "still have great concern that a state statute is in conflict with the Oregon Constitution." That



Marie (right) and Bobbie Cummins talk to a passerby at the Oregon State Fair in Salem

constitutional issue is before the Oregon Supreme Court, and a decision is expected later this year.

WASHINGTON COURT AFFIRMS DOMA

The anti-gay Defense of Marriage Act withstood its first constitutional challenge in a federal court. It came in a decision handed down Aug. 17 by Judge Paul B. Snyder in Tacoma, Wash.

Two U.S. lesbians, Lee and Ann C. Kandu, married in August 2003 in British Columbia when the province began to allow same-sex unions. They subsequently filed a joint petition for bankruptcy in October 2003, and Ann C. Kandu died of uterine cancer in March.

Their suit challenged the constitutionality of DOMA because it violates "the principles of comity and the Fourth and Fifth Amendments to the U.S. Constitution."

Snyder focused on the central question of

whether the court should recognize their marriage at the time of the filing as applicable to the Bankruptcy Code. He held that "DOMA is consistent with the principles articulated by the 10th Amendment" because the language applies only for federal purposes and does not attempt to restrict a state's authority to issue marriage licenses.

"The debtor's assertion that comity is mandatory is simply not supported by case law," Snyder wrote. "The Supreme Court has concluded, in the event of a conflict of laws between nations, a court must prefer the laws of its own nation."

Opponents of same-sex marriage have argued that 1971's Baker vs. Nelson decision is the governing federal ruling on the subject. In that decision, the Minnesota Supreme Court found that prohibiting same-sex marriage was not unconstitutional. The U.S. Supreme Court declined to take the case, and under rules in effect at that time but since changed, it stood as legal precedent.

Snyder said the Baker decision was not legally binding because the case involved state and not federal law. He did concede that recent decisions, such as the Lawrence vs. Texas case striking down state sodomy laws, recognized an increased zone of privacy for queers and may point in another direction.

However, he noted, "A bankruptcy court is a trial court of limited jurisdiction and must be extremely cautious before creating on its own a new fundamental right based on what the Supreme Court might in the future decide."

"The people who came up with the Defense of Marriage Act basically have been punishing us for who we are. It's just not fair," Lee Kandu told The Associated Press. She filed the case on her own and intends to appeal. **JM**

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