

## BACK TO THE DRAWING BOARD

Details on marriage nullifications, governor's civil union legislation

by Sarah Dougher

The Oregon Supreme Court handed down a judgment April 14 in *Li vs. Oregon*, which argued that the state cannot exclude same-sex couples from marriage, because this denies same-sex couples and their children the advantages that come with marriage. The court effectively nullified the more than 3,000 marriages that took place in March and April 2004, denying those same-sex couples the rights and responsibilities of marriage.

Lawyer Charles Hinkle, who filed one of the friend-of-the-court briefs supporting the suit, noted: "Courts jealously guard their prerogative to deem what is constitutional and what is not. They made it clear the county commissioners had no business deciding constitutional questions. That's a job for the courts. The silver lining is the court did not say anything about civil unions and specifically said it was not deciding this question."

This is fortunate because Gov. Ted Kulongoski announced April 13 that, on behalf of Basic Rights Oregon, he will request a bill in the state Senate to provide legal protections and recognition of committed same-sex relationships through civil unions and outlaw discrimination based on sexual orientation. Both pieces of legislation are combined in the new bill, which is co-sponsored by Senate Majority Leader Kate Brown, D-Portland, and Sens. Frank Morse, R-Albany; Ben Westlund, R-Tumalo; and Alan Bates, D-Ashland.

Senate Bill 1000 would amend Oregon law to create civil unions, defined as a civil contract entered into by two members of the same sex who are at least 17 years old and are not first cousins or nearer of kin and are not parties to a marriage or another civil union. While a civil union is not a marriage, the bill would confer on same-sex couples the legal protections, rights and responsibilities generally afforded to opposite-sex couples through marriage and would

amend Oregon's existing nondiscrimination laws to prohibit bias based on sexual orientation in housing, employment, public accommodation, education and public services statewide.

Kulongoski's introduction of this legislation is small consolation for the thousands of couples who recently celebrated their first anniversaries.

Oregon law does not adequately address discrimination against individuals or couples based on sexual orientation. While a patchwork of nondiscrimination laws exist in a handful of cities and counties, it is legal in most of the state to evict a good tenant, deny a patron service at

a restaurant or refuse to hire a qualified candidate just because of a person's real or perceived sexual orientation or gender identity.

Without the establishment of a legal relationship to one another, same-sex couples lack critical protections that support families in times of crisis, allow committed partners to care for one another and keep children and families protected from discrimination. While a limited number of protections can be obtained through contracts and legal

arrangements, these options are costly and fall seriously short of the full spectrum of protections families require.

Reacting to the decision, Human Rights Campaign leader Joe Solmonese said: "In the blink of an eye, more than 3,000 committed couples are now strangers under law. Today is an incredibly sad day for fairness and equality in Oregon. But tomorrow the fight will continue."

"Struggles to end inequality do not succeed overnight. This is the latest chapter in a long movement, and we feel confident that Oregon courts will eventually put an end to the exclusion of committed same-sex couples from the protections and responsibilities that other Oregonians depend on."

A statement from BRO made immediately after the decision echoed this sentiment: "We know that struggles to end inequality do not succeed overnight. This is the latest chapter in a long movement. Growing public understanding and the momentum of history are on our side." □

*It is legal in most of the state to evict a good tenant, deny a patron service at a restaurant or refuse to hire a qualified candidate just because of a person's real or perceived sexual orientation or gender identity.*

## RIGHTS STRIPPED AWAY

City reacts to a blow for marriage equality

by Jaymee R. Cuti

The state's highest court slapped Multnomah County queers back down to second-class citizens by nullifying more than 3,000 marriages between same-sex couples. The ruling was met with mixed reactions.

"My reaction is one of great sadness. I was hanging on to a glimmer of hope that the marriages would stay intact," said Juan Martinez, who has filed a separate lawsuit against the state for the right to marry.

Martinez is steadfast on his mission.

"I now know the fight that involves my case has just become more important. We have had a setback today, but we have to continue and remain positive that something good will come of this," he said.

Others have given up hope for marriage equality in the near future.

"I don't see marriages in this country in my lifetime, but I'm hoping it will happen in my children's lifetime, that they will see the equality that their mothers fought for, stood on the front lines for," said author and educator Mary Ann Humphrey-Keever, 61.

The ruling rocked fundamental principles for her. "The problem that I see here is laws are made to protect the minority, not the majority," she said.

Humphrey-Keever and her partner of 20 years had sought marriage in Canada, San Francisco and Multnomah County. She sees the right to marry as an equality issue.

"We pay taxes, we pay property taxes, we've supported the schools, we vote in every election,

we do all the civic duties that everybody else does, and the government still expects us to be outstanding citizens, but at a certain point, our rights need to be recognized," she said.

Portland Mayor Tom Potter, whose daughter Katie's marriage to her same-sex partner was nullified in this decision, issued this statement: "To deny two people the basic legal rights that every American in a loving, committed relationship enjoys simply because of their gender is a slap at the core moral values that shaped our country, and a denial of our collective humanity."

County Commissioner Maria Rojo de Steffey, who is in part responsible for approving same-sex marriage in Multnomah County, said phone calls continue to pour into her office, thanking her for doing the right thing.

"My heart goes out to those people who were married and who want to be married and the families affected by it. The decision, to me, takes the human element of marriage."

Rojo said she remains hopeful for marriage equality in Oregon.

"I know that we're going to get there. It's just going to take some time, hard work and...people not giving up. I'm not giving up."

Though civil unions are a huge advancement for same-sex couples, the consolation prize strikes some as reminiscent of accommodations for African Americans during the civil rights era.

"I still think it's 'separate but equal.' I deserve just as much as anyone else—full acceptance with a full rights," said Martinez. "I'm not going to accept anything less." □

### From the court ruling in *Li vs. Oregon*

"In summary, we conclude as follows. First, since the effective date of Measure 36, marriage in Oregon has been limited under the Oregon Constitution to opposite-sex couples. Second, Oregon statutory law in existence before the effective date of Measure 36 also limited, and continues to limit, the right to obtain marriage licenses to opposite-sex couples. Third, marriage licenses issued to same-sex couples in Multnomah County before that date were issued without authority and were void at the time that they were issued, and we therefore need not consider the independent effect, if any, of Measure 36 on those marriage licenses. In short, none of plaintiffs' claims properly before the court is well taken. Finally, the abstract question whether [Oregon Revised Statute] Chapter 106 confers marriage benefits in violation of Article I, Section 20, of the Oregon Constitution is not properly before the court."



**HONEST-1**  
**AUTO CARE**

**Why We're Different...**

- \*Free Customer Shuttle Service
- \*Music Listening Station
- \*Designer Waiting Room
- \*Internet Cafe
- \*Beautiful Bathroom
- \*Kid's Play Area
- \*Gift Cards & More

**Complete Automotive Service**  
Cars / Trucks / RVs

Air Conditioning • Brake Service • Engine Repairs • Cooling/Heating  
Fuel Injection • Tune Ups • Starting & Charging • DEQ Repairs  
30 / 60 / 90 K Mile Service • Transmissions • Oil & Lube • Tires & Rims

(503) 774-0950 | 6332 SE 82nd Ave.  
www.Honest-1.com | Portland, OR 97266



**ONLINE MORTGAGE SAVER**



**Josh Dobson, Program Specialist**

**Feeling Bi-Weekly Curious?**

- Lower your interest rate without refinancing.
- Reduce your mortgage payoff by up to 10 years.
- Save tens of thousands of dollars in interest.

...Find out how you can enroll without changing your monthly mortgage and with **no out-of-pocket expense!**  
Call today for a **FREE** analysis of your potential savings.

info@onlinemortgagesaver.com 1.800.497.5843 www.onlinemortgagesaver.com