

northwest

BRO Executes Double Play

Powerful gay rights litigation, legislation announced

by Jaymee R. Cuti

The highly anticipated "son of Senate Bill 1000" dropped Feb. 26, ending weeks of speculation over how recommendations made by the Governor's Task Force on Equality would be implemented.

Two bills, deemed the Oregon Equality Act and Oregon Family Fairness Act, address anti-discrimination and legally recognized relationships, respectively.

The bills differ from last session's SB 1000 with revisions to the two major points of contention from the oppositional Oregon Family Council: religious exemptions and no revisions to current marriage law.

"For both bills, the religious exemptions go above and beyond any from any other state. Ours is strictest," said Bryan Boyd, a spokesman for Basic Rights Oregon.

The Oregon Equality Act, Senate Bill 2, originated from the Judiciary Committee, chaired by state Sen. Ginny Burdick, D-Portland. It would grant protection to sexual minority Oregonians in the areas of housing, employment, public accommodations, education and public services.

The Family Fairness Act, House Bill 2007, originated in the House Ethics and Rules Committee, chaired by state Rep. Diane Rosenbaum, D-Portland. It would create legal protections for same-sex relationships in the form of a new chapter of law, leaving the state's marriage statute unchanged. The bill that creates legally recognized relationships differs from marriage in several key ways. Legal recognition of the relationship is only valid within the boundaries of Oregon, grants no federal benefits, requires both partners to be Oregon residents and, unlike divorce, can only be dissolved in an Oregon court.

One week earlier, BRO announced another move that few predicted. Portland City Commissioner Sam Adams revealed Feb. 20 that he is suing the state of Oregon for what he calls discrimination. The case was filed in the Multnomah County Circuit Court. This issue sheds light on a lack of process in place when couples who have entwined their lives, disentangle.

Sam Adams and his former partner Greg Eddie split all their assets when they ended their relationship. They divided their bank account, house, cars

and other property and Eddie's retirement account. According to the pair, who spoke jointly at a press conference, the only block in the completely civilized breakup was Adams' Public Employee Retirement Systems account, which accumulated approximately \$90,000 while Adams served as chief of staff to former Portland Mayor Vera Katz.

"PERS discriminates against same-sex couples. There is no legal avenue for dividing a PERS account when dissolving a relationship. Oregon law stands in the way," said Adams.

Eddie described the frustration he experienced while they undertook the logistics of breaking up.

"We believe that the state has an interest in assisting all divorcing couples to do so as equally and fairly as possible," said Eddie. "At the end of our 11-year relationship, we went through the arduous process of dividing all of our joint assets 50-50. But with Sam's retirement, we hit a brick wall."

BRO legal adviser Mark Johnson does not anticipate that the state will divide the account without a fight, as the PERS board is frequently ordered to do in cases of divorce.

This is the fourth in a series of cases BRO has filed that aims to bring the state in compliance with the 1998 Oregon Court of Appeals ruling in Tanner v. Oregon Health & Sciences University.

Tanner, an important case in terms of precedent for anti-discrimination cases, stated that the university could not deny health benefits to same-sex couples given to married couples.

The other cases surrounding the Tanner decision focus on parental rights, health benefits and retirement.

In 2006, BRO employee Jeana Frazzini and her partner of 10 years, K.D. Parman, sued the state of Oregon after it blocked Frazzini from being listed on a birth certificate as the parent of their 3-year-old son, Emmett. The most recent motion in the case was filed Jan. 22 with the Multnomah County Circuit Court, and oral arguments are scheduled for March 16. The couple's second son, 7-month-old Griffin, has been added to the lawsuit as a plaintiff.

The cases of English v. the State of Oregon and Pinkerton v. the State of Oregon are being litigated together before the PERS board, based on the idea that all public employees are entitled to equal



Portland City Commissioner Sam Adams (left) and his ex-partner Greg Eddie discuss a discrimination lawsuit they filed against the state of Oregon.

pay for equal work. While PERS allows a retiring employee to elect a spouse or companion as the benefactor of the account after the employee's death, only married retirees are permitted to change that election if the relationship ends in divorce after retirement. The benefit—the ability to change the survivor designation—is denied to retirees in same-sex relationships because those employees cannot marry or divorce their partners.

The Tanner cases and the latest litigation proposed have a common thread.

"If we had civil unions, this wouldn't be necessary," said Melissa Chernaik, interim communications director of BRO. "Enacting legal relationship recognition, often called civil unions or domestic partnerships, and anti-discrimination legislation would really curtail the need for gay, lesbian, bisexual and transgender Oregonians to find relief from discrimination through the courts."

According to the BRO team, the bills are in prime position to pass.

"We don't really have the roadblocks that we

had last session," said Boyd. "We also have a much stronger grassroots campaign going on."

BRO has several field offices throughout the state, including a new one in Eugene. These offices dispatch Basic Rights Action Teams, or BRATs, of volunteers to reach out to voters about their issues.

"In every county or city in Oregon, we probably have a BRAT very close by," Boyd said. "We have troops on the ground, people doing face-to-face community meetings."

The bills have a long path before they reach Gov. Ted Kulongoski's desk to become laws. They must first be assigned to and voted out of committee, and stand up to votes on both the House and Senate floors. The Legislature is expected to take action on the bills in April. 10

Basic Rights Oregon's DAY OF ACTION is March 7 in Salem. Hundreds of participants from across the state will attend trainings and meet with nearly every legislator to discuss the bills. To register call 503-222-6151 or visit www.basicrights.org.



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