

"We've settled for this as a step along the path towards equality, but it certainly is not equality by any stretch of the imagination."

—Mark Johnson

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"The domestic partnership law is going to help a lot of people in a lot of different ways and it's really a positive development, but people need to understand that it has shortcomings and we've settled for this as a step along the path towards equality, but it certainly is not equality by any stretch of the imagination," said Johnson. He also said he will probably file for a domestic partnership with his partner of 24 years, Jay Roberts.

According to Johnson, dissolving a domestic partnership will be exactly like divorce under state law, with all that that entails. "We anticipate no gray areas. Of course problems are going to come up, but we just don't know what they are yet," he said. Even if both partners are no longer living in Oregon, the state's circuit court will retain jurisdiction for the dissolution.

Will the Law Outlast Your Love?

Although anti-gay groups failed to gather enough valid signatures to refer the domestic partnership law to the November 2008 ballot, they are ramping up for a campaign to put a repeal initiative before Oregon voters next year. To achieve this, the groups would need to collect at least 82,769 valid signatures by July 3, 2008.

"It's always hard to know at what temperature this thing is brewing," said Johnson. "In order to make

[the law] go away, the antis will have to collect the signatures and they'll have to sell a yes vote to the voters, which I think is going to be extremely difficult to do."

Several groups—including Concerned Oregonians, Restore America and Defense of Marriage and Family Again!—have said they intend to devote energy and resources to the repeal effort. None of them has the fund-raising power of the Oregon Family Council, a Christian group responsible for Measure 36, which banned same-sex marriage in the state in 2004.

If worse comes to worst and the initiative not only makes the 2008 ballot but passes, the domestic partnership will be repealed approximately one year after it goes into effect. So what will happen to those couples who filed their partnerships prior to the repeal?

"My take on it is going to be that the people who take advantage of the law prior to any God forbid repeal, the state will continue to recognize those relationships that have already gone into effect," said Allen. "Of course there's a very good chance that it would be litigated, but I would be surprised if ultimately a court would rule that those existing relationships, those existing domestic partnerships, were invalidated."

Johnson disagrees. Allen's assessment is based on a provision in the Oregon and U.S. Constitutions

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Other States

What rights do gay and lesbian couples have beyond Oregon's borders?

by Jedidiah Chavez

Oregon will soon join the short list of states offering legal protections and rights for same-sex couples. In addition to Oregon, Connecticut, Hawaii, Maine, New Hampshire, New Jersey and Vermont are the only states with current or pending variations of domestic partnership or civil unions laws. California and the District of Columbia offer a domestic partnership registry.

As New Jersey recently discovered, civil unions or domestic partnerships sometimes do not hold the promise of full marriage equality. According to the New Jersey State Bar Association, the New Jersey Civil Unions Law has obvious and apparent flaws.

During the first three months of the New Jersey Civil Unions law, 852 queer couples filed and received civil unions. During the same period, the gay civil rights organization Garden State Equality reported that it has received complaints from 102 same-sex couples about benefits they were denied. By press time, only two formal complaints have been filed with the New Jersey Department of Civil Rights. Surprisingly, among the companies denying same-sex couples health benefits were Fortune 500 corporations Federal Express and DHL.

The political landscape is splattered with 41 states with laws banning same-sex marriage or laws defining marriage as between a man and a woman. Included on this list is Oregon. Measure 36 was a painful reminder to Oregon's queer community that the fight for full marriage equality is far from over. However, although Measure 36 defined marriage as being between a man and a woman, it still left the door open to domestic partnerships.

Full marriage rights are only offered in Massachusetts. Do your homework before jumping onto the next Greyhound bus, because many out-of-state couples have quickly learned that it may be difficult to obtain a marriage license. 10

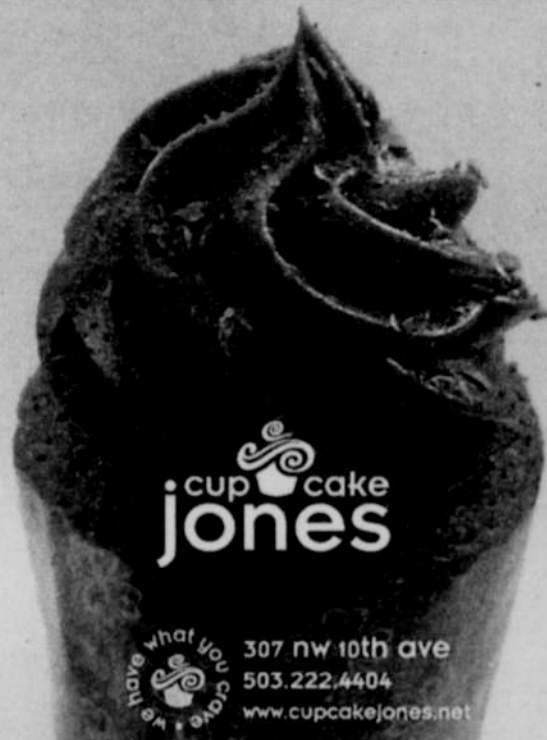


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