

tablished by God, is enforced by the nature which God bestowed upon mankind, and we tamper with it at our own peril.”

According to the University of Akron Bliss Institute for Applied Politics’s 2004 National Survey of Religion and Politics, 75 percent of the nation’s 50 million white Evangelical Protestants say that marriage should be legally defined as a union between one man and one woman. In contrast, only 31 percent of religiously unaffiliated respondents say that legal marriage should be limited to heterosexuals. “One of the strongest predictors of people’s attitudes towards same-sex marriage is the extent of their belief in traditional religious values,” says professor John Green of the Bliss Institute.

But some people of faith are opposing the constitutional amendment as fervently as those supporting it. More than 100 religious leaders in Oregon — including 13 faith leaders and five congregations from Eugene — have signed a statement opposing Measure 36. And the Religious Response Network, a Lane County PAC founded in 1992 to oppose Measure 9, comprises people of faith who support the civil rights of LGBT people.

Temple Beth Israel, the Eugene Friends Meeting, and the Unitarian Universalists of Eugene oppose the measure on the grounds that it violates religious freedom of choice. If Measure 36 passes, it will impede the ability of

willing congregations to perform legally binding same-sex marriage ceremonies.

Ulterior Motives

State ballot measures to ban gay marriage may be less about marriage than about turning out the conservative vote for the presidential election. A solid majority of Evangelical Protestants are Republican, and three-fourths oppose gay marriage. The Bush campaign is actively targeting the estimated four million Evangelical Protestants who didn’t vote in the 2000 presidential election. Strategists reason that if a ballot measure to ban gay marriage brings those voters to the polls, they are likely to vote for Bush. It seems to have worked in Missouri, where the recent vote on gay marriage brought out twice as many voters as the average primary election.

Of the eleven states with constitutional amendments to ban gay marriage on the ballot for the Nov. 2 general election, four — Oregon, Ohio, Michigan and Arkansas — are swing states.

“It’s no coincidence that ballot measures like this are popping up all over the country,” says Scott Ballo, communications director for America Coming Together (ACT), a progressive political action organization working to register voters in swing states. “This gets out the Evangelical vote, and Karl Rove has made

it very clear that a Republican strategy in this election year is to mobilize Evangelicals across the country.”

Kristina Wilfore, executive director for the Washington, D.C.-based Ballot Initiative Strategy Center, agrees that Oregon’s Measure 36 is part of a concerted national effort by Republicans. “It’s been a Karl Rove election-year insurance policy for very right fundamentalist Christians,” she says. “I think it’s a very explicit ploy by the right wing so that we don’t have to have discussions about the issues that are tougher for conservatives, such as the economy, health care, the war on Iraq. Those are areas in which Republicans, and Bush specifically, are very weak.”

Rice denies that the DOMC is affiliated with a coordinated national election-year strategy. Wilfore scoffs at that. “Clearly this has been coordinated. You seldom have ten states with the same ballot initiative in the same year,” she says. “They [DOMC] should be honest about what their real intent is.”

But what’s good for the goose can be good for the gander. “In Oregon, this issue may bring out a lot of liberal voters who don’t want the constitutional amendment,” says Green.

Growing Tolerance

While the majority of Americans oppose gay marriage, there has been a shift toward tol-

erance as people learn more about the LGBT community. According to the Bliss Institute poll, in 1992, 51 percent of respondents agreed with the statement “Homosexuals should have the same rights as other Americans.” By 2004, 57 percent agreed with the same statement.

Wilfore says that the trend extends to voters considering state constitutional amendments to ban gay marriage. “When people understand that this is using and abusing the Constitution, they are more likely to vote against it,” she says.

In Garrow’s eyes, people who are fighting in support of as well as in opposition to Measure 36 — like concerned mothers Elise Self and Marie Bell — are just doing what they feel is right.

“I really believe that everybody, no matter how they vote on this issue, is trying to do the best they can in the world day-to-day,” says Garrow. “If people knew what was in my heart, [same-sex marriage] wouldn’t bother them.”

Garrow acknowledges that a defeat of Measure 36 would only mean that the dialogue about gay marriage can continue in Oregon. “A ‘No’ vote on 36, for me, would mean that I would keep having opportunities for people to get to know my heart,” she says. “That’s all a ‘No’ vote means: that we get to keep talking about it. It allows the door to stay open to progress.”

EW

PAYING THE PIPER

DOMA causes tax questions, headaches for same-sex spouses.

By Suzi Steffen

In early March, when Susan Wehner and Lucy Lahr drove to Portland, they expected to attend the wedding of some friends. Together for nine years, they had already held a commitment ceremony — they’re “stuck for life,” Wehner explains. But they, too, became part of Multnomah County’s same-sex marriage celebration, speaking their vows in front of a minister, surrounded by flowers.

After Canada began issuing marriage licenses to same-sex couples in mid-2003, San Francisco and Multnomah County followed suit in surprise moves last spring. A California state judge voided the San Francisco licenses, but an Oregon judge ruled Multnomah County licenses valid.

Now, beyond the crystal they received at their reception, beyond unexpected support from family members, married couples like Lahr and Wehner must deal with prosaic questions. They have to think about numbers — things like taxes and benefits.

Like many same-sex couples, they know about the more than 1,000 federal rights offered to heterosexual married couples. Things like the right to visit your spouse in the hospital or knowing who gets your estate after you die. Things like dealing a little more easily with forms at tax time, especially since Wehner is a self-employed independent general contractor. But federal law creates some serious problems.

The website of the Human Rights Campaign, a D.C.-based LGBT civil rights lobbying group, outlines some of the problems. Lara Schwartz, Senior Counsel for HRC, explains, “Tax time presents ... unique challenges, both at the state and federal levels.” Schwartz writes that same-sex spouses won’t seem married in the eyes of the U.S. government “in spite of the universal legal rule that a marriage that’s valid where celebrated ... is valid everywhere.”

The reason for this, and for Lahr and Wehner’s number crunch? The 1996 federal law called the Defense of Marriage Act, or DOMA, which defined marriage for federal purposes as being between a man and a woman. “DOMA discriminates uniquely against same-sex couples,” Schwartz writes, and that’s likely to force the more than 3,000 other same-sex couples married in Multnomah County to wade through confusion or even lie on their tax returns.

Should they file jointly or singly? As married or single? They’re married, but the country does not recognize that fact, so checking the “married” box on the tax form could

get them audited. But checking “single” now could mean paying a marriage penalty later, if the government recognizes Oregon licenses as legal.

The IRS agrees that same-sex couples face some issues. Judy Monaghan in the IRS communications department says that as a federal agency, the IRS follows DOMA’s requirements, and would not counsel joint filing, for instance. The IRS website doesn’t contain information for same-sex married couples, however, and different people on the IRS tax hotline gave widely varying advice.

State taxes cause yet another conundrum. Oregon is one of the 13 states *without* a law banning recognition of same-sex marriage, and that may affect filing status for same-sex married couples. Even if Measure 36 passes, ongoing litigation will have more of an effect on those couples already married. Judy Duff, payroll manager at

UO, says that her office must “take a careful approach” until the lawsuits shake out. Linda West, manager of the communications department for the Oregon Department of Revenue, adds that the DOR is “following Department of Justice directions” and, until the courts rule, is “not recognizing same-sex marriages.”

Chicora Martin, the director of the UO’s LGBT Education and Support Service Program, married her partner in March. In Martin’s opinion, the major legal benefit of being married doesn’t relate directly to federal tax filing, but to the taxation of domestic partner benefits — or it *should*.

Like nine other states, Oregon provides domestic partner benefits for its state employees. Martin paid for her partner to be on her health care plan, but their cost rose beyond the health care premium. “It’s great to be able to provide health care for your partner — many people would dream of having health care — but they tax you for it,” Martin explains.

Martin’s partner eventually found a job with her own benefits and left Martin’s plan. As soon as that happened, Martin says, her monthly paycheck rose by \$100 to \$150. That’s how much the federal government was charging in domestic partner benefit taxes.

At a recent benefits meeting at Linn-Benton Community College, one woman pointed out that this “tax imputation” is the same for opposite-sex domestic partners — “another reason to get married,” she said. But Tess O’Hearn, benefits manager at Portland State University, explains that her human resources office “must continue to treat [same-sex married couples] as domestic partners” for tax purposes.

Lucy Lahr explains that she’s OK with paying; she *really* wanted to get her spouse insurance coverage. Though the federal government has taken a position opposing their commitment, Lehr and Wehner wanted to legalize their bond for more than simple recognition. “Marriage,” Lahr says, “is about benefiting the person you love.”

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