

While attending yet another meeting on highly questionable land use practices with Lane County's Land Management Division last month, I asked for the county to supply legal counsel. I was told by the head county planner that "There were plenty of lawyers here." True enough — the only problem being, they all work for developers.

If a developer could legally burn your house down and make money doing it, you would come home to a pile of ashes. This mentality would carry over into Measure 37 should it pass. Heaven forbid!

The big developers would make millions upon millions of dollars with their connections (incest is best) and we the little people, would wind up subsidizing the infrastructure needed for their grand plans to turn Oregon into North L.A. Death to 37.

*Norm Maxwell  
Lorane*

**KEEP ROADLESS RULE**

In January 2001 the Roadless Rule was finalized, declaring 58.5 million acres of national public forests safe from most logging and road building. Now, President Bush is preparing to repeal the rule after the election, which would allow millions of acres in Oregon, Washington, Colorado and New Mexico open for logging.

Shouldn't the fact be questioned that Agriculture Undersecretary Mark Rey who oversees forest policy spent 20 years as a lobbyist

for the timber industry? Or the fact that he worked for timber companies such as National Forests Products Association, American Forest Resources Alliance and American Forest and Paper Association? Oh, or how big timber companies contributed over \$1.2 million to candidates in the 2000 election, and continue to filter money into the White House?

Wake up America! This is not an issue of our forests' safety; it is the safety of your children's planet. In Oregon our remaining 1,965,000 acres of roadless national forest are at stake. Please, don't let the Bush administration ruin our last chance to protect this land.

*Anna Gordon-Norby  
Eugene*

**CRIMINAL BRADBURY**

I'm outraged that you would support Bill Bradbury without making any mention of how he used "unwritten rules" to keep Ralph Nader off of the ballot this November! His actions were criminal. I think he should resign!

*Ken Silverman  
Eugene*

**RIPE FOR LITIGATION**

Speaking of caps [Measure 35], I put on my thinking cap the other day (the one I saved from the pre-property-tax-cap era), and looked up the word "iatrogenic" in Google

just to see what the latest statistics were. It seems those in the know say iatrogenic has come from third place in 2000 to first place as cause of death in the U.S.

I'm sure the numbers are debatable, especially since the medical industry is responsible for reporting their own faults. But even if they are in fourth place as some numbers say, it's still a situation ripe for litigation if the slumbering masses start looking up words like iatrogenic.

Should we put a cap on all that possible litigation? I mean, this is the industry where it isn't uncommon to hear, "Do as I say or you will die," and what if they start tightening up on the "controlled" medication they hand out so freely?

*Greg Daugherty  
Eugene*

**EXPENSIVE MEASURE**

Have you noticed that proponents of Measure 38, which would abolish SAIF, have stopped touting it as the answer to all of our funding problems? What happened to their initial assertion that voting yes on this measure would help fund schools, give law enforcement a big boost, and help the economy of our state? What happened is that the financial impact statement painted an entirely different picture of the future of our state if this measure passes. Before you vote, please examine the financial impact estimate on page 133 of your Voters' Pamphlet. The cost

of abolishing SAIF would do massive damage to our state's economy at a time when we simply cannot afford it. The end result would be less money for schools, less money for law enforcement and infrastructure, less money for job development, less money for desperately needed social services, not to mention the thousands of Oregon jobs that would be lost due to SAIF's closure.

The only people who stand to make more money from the passing of this measure work for a private insurer out of Boston, who doesn't understand, or seem to be concerned about, the bleak fiscal situation our state faces currently. When you cast your vote, please join me in doing the only fiscally responsible thing — vote no on Measure 38.

*Kirstin Parmeter-Nusser  
Eugene*

**MONEY-GRUBBERS**

How dumb does Liberty Insurance think Oregonians are? Right, were really going to vote to abolish SAIF, the company we all own, so Liberty can send an extra \$100 million of our money back to the moguls in Boston every year?

Their money-grab campaign would be funny if it weren't so insulting to our intelligence. Who's going to be fooled by advertisements so transparently false and misleading? Not the editorial boards of all Oregon's major newspapers. Not our major business and labor organizations. And certainly not the

**viewpoint** BY MERLE WEINER

**Competing Values**  
Morality and same-sex marriage



Opponents of same-sex marriage often fail to mention what lies at the center of their views about marriage policy. No one, except perhaps the Vatican, wants to speak the word "morality." It is the elephant in the room that no one will mention.

Morality debates are not new. We have discussed morality with respect to many issues, including abortion, prostitution, pornography, and unmarried couples' access to contraception. These conversations, however, are always uncomfortable because we feel unable to convince the other side and because our efforts to do so may be viewed as efforts to "impose our moral views" on others — something that is now impolite at best.

One thread runs through all of these morality debates regardless of the topic: Should the majority's morality be able to trump the rights of individuals who disagree? The discussion is often clouded by claims of institutional illegitimacy, with people freely invoking words like "activist" judges or "federalism." These are interesting side issues, but they miss the real question.

The debate seems fresh each time we engage in it because there is no universal answer to the question. Yet the debate is always framed by two competing values. On the one hand, we use the law to draw some lines that give us a feeling of "community." For example, we would be a different community if we were ever to start considering seriously the legality or morality of consensual cannibalism. Democratic law-making allows us to reflect who we are in some collective sense. On the other hand, we also value the ability of everyone to define "the good life" for himself or herself. I may not want to drink alcohol as part of my daily routine, but I understand that it is unwise to impose my beliefs and desires on you through the law. The notion of liberty is a doctrine deeply embedded in our collective conscience.

Part of the way we navigate issues that straddle these two values — the value of democracy and the value of freedom — is to see if the claims of morality are genuine or whether they are based solely on animus toward someone who is different. We give no weight to the latter. As the Supreme Court said when it struck down the Colorado constitutional amendment that would have made it impossible to legislate against sexual-orientation discrimination: "[I]f the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare ... desire to harm a politically unpopular group cannot constitute a legitimate governmental interest."

In addition, we require those with morality claims to show the rest of us the tangible harm from permitting a particular practice. Suzanne Goldberg, an associate professor of law at Rutgers, found that "the post-World War II [Supreme] Court has never relied exclusively on morality to sustain government action with the exception of the now discredited *Bowers v. Hardwick* [the case that upheld the Georgia statute that criminalized same-sex sodomy]." While the Supreme

Court might occasionally approve of morality as the basis for a law, the court only allows us to define our community based upon that morality when there is also a more concrete justification for the legislation. This requirement of tangible harm prevents religious-based claims of morality — where the claims are quite numerous and often strongly held — from being imposed on others for no reason other than religious doctrine so says.

In the context of the same-sex marriage debate, some claims of morality may be more properly described as "animus." Others' claims of morality may be suspect for different reasons. Philosopher Ronald Dworkin has suggested that moral argument must have certain characteristics and lack others. Moral argument is not based on false facts, or parroting one's neighbor, or an irrational phobia, or mere prejudice.

That leaves one final question: Are children of gay and lesbian parents harmed by living in a same-sex household? Opponents of same-sex marriage invoke this "fact" frequently to justify their position. The validity of fact is questionable when one considers the diversity of American families and what qualities produce well-adjusted healthy children. It is not the gender of the adults in the household, nor their practices behind closed doors, that matters, but rather whether they are loving caregivers who will support and nurture the children and continue to do so over time.

Numerous studies show no harm to children from living in same-sex households. The American Academy of Pediatrics' Committee on Psychosocial Aspects of Child and Family Health reviewed the literature and found no meaningful differences between children raised by gay parents and those raised by heterosexual parents.

In the end, we as a society should recognize that the time has come, or will be coming soon, when we can and should give same-sex couples who want to marry the ability to do so. In our efforts to mediate the tension between democratic choice and individual freedom, we should ourselves recognize that an individual's ability to live his or her own vision of the good life should win out with respect to this issue. We need not be afraid of the courts reaching this conclusion because, in fact, it is the right one.

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