

The Oregonian

Landmark vote grants domestic partnership Oregon - The law will give same-sex unions the benefits the state offers married couples

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Gay and lesbian couples in Oregon won the state benefits of marriage Wednesday in the second of two legislative victories that mark the biggest advance for gay rights in state history.

The Oregon Senate cast a 21-9 vote in favor of a bill to create legal contracts, called domestic partnerships, for same-sex unions. The vote comes just two weeks after the Legislature passed a bill banning discrimination against gay couples. Gov. Ted Kulongoski says he will sign both bills. The two pieces of legislation make Oregon law among the most gay-friendly in the nation.

Oregon joins nine other states and the District of Columbia in recognizing same-sex unions by granting them at least some of the rights of marriage.

In Oregon, same-sex couples will register in their counties to enter into a domestic partnership that will give them all of the state benefits of marriage. It also gives them the responsibilities -- including the possibility of having to pay child and partner support in the event of a dissolution.

The partnership, however, will not carry legal authority outside Oregon or with the U.S. government. As a result, all the federal benefits of marriage, such as the right to file a joint tax return, remain out of reach for Oregon gay couples.

Still, the law means Kelly Burke of Portland will not have to lug around a power of attorney or other legal documents when she takes Dolores Doyle, her partner of 19 years, to the hospital for care. Doyle has made 51 visits to doctors since she was diagnosed with breast cancer last summer. In one emergency, Burke recalled, Doyle struggled at home to breathe. Burke called a hospital for guidance, she said, but the nurse refused to talk to her because the law sees the two women as strangers rather than committed partners.

But that will change under House Bill 2007, the domestic partnership law. Burke was on hand in the Capitol to see the Senate vote Wednesday. "I'm just so thankful to finally have recognition for our family," said the mother of two children. "It is tremendous. Just tremendous."

The Oregon Family Council, a Christian organization that led the battle against the gay-rights bills, has no plans to refer either measure to the November ballot next year and is turning to other issues, said spokesman Nick Graham.

Other groups could try to refer one or both of the measures, though to do so, they would have to go through the expensive process of gathering 55,179 signatures within 90 days after the Legislature adjourns.

Basic Rights Oregon, the state's largest gay-rights group, will be focusing in the near future on defending its victories and on educating the public about the rights and protections for gay residents that take effect Jan. 1, 2008, said spokeswoman Melissa Chernaik.

"Right now, we're in the mode to protect it, implement it and celebrate it," she said of the legislation.

The gay-rights movement is taking a similar posture on the national level after a series of legislative victories in New Hampshire, Washington state, Vermont and elsewhere, said Matt Foreman, executive director of the National Gay and Lesbian Task Force, based in Washington, D.C.

"This is really an unprecedented period in our movement's history, and it comes after so many years of being on the defensive, taking it on the chin," he said. "The first step is to preserve those victories."

Estimates based on U.S. Census counts say there are about 11,000 same-sex couples in Oregon who will be affected by the domestic partnership law. Several couples said they will seek the partnership.

"The state is finally recognizing us as a family," said Kevin Bailey-Gilliam, 29, of West Linn, who has been with his partner, Alex Bailey-Gilliam, 34, for 10 years. They showed up at the Capitol on Wednesday with their three children.

Diane Hall, 73, and Tamara Diaghilev, 79, of Eugene said they probably will seek a domestic partnership. In addition to practical benefits, it makes a "huge difference to be accepted for who we are," said Diaghilev, a counselor.

Ken Hindes and Ron Wold, both 59, of Eugene have been together nearly 30 years and welcome a domestic partnership for the security it brings. But it does stop short of marriage, Wold said. "It is kind of separate, but not equal," he said.

Senate Majority Leader Kate Brown introduced the bill on the Senate floor, noting it represented a "giant step forward for gay and lesbian citizens" in Oregon. Only one of the seven senators speaking on the bill during a 30-minute debate opposed it. Sen. Roger Beyer, R-Molalla, said the bill modifies at least 274 marriage laws without explicitly showing what those changes are. "How in the world do you know what you are voting on?" he asked.

Another Republican, Sen. Frank Morse of Albany, supported the bill. "Our task today," he said, "is to define how big is Oregon's heart."

After the Senate vote, a small group of supporters gathered with legislative leaders to celebrate and eat cake. Among the group was former Gov. Barbara Roberts, who said she was happy to see civil rights for gays take a major step forward after three decades. "Oregon is a better place today," she said.

The Oregon victories for gay-rights supporters come after a series of defeats and a long history of fending off attacks. The conservative Oregon Citizens Alliance tried four times -- in 1988, 1992, 1994 and 2000 -- to pass initiatives that would roll back protections for gays against discrimination, declare homosexuality "perverse," and bar government and schools from sanctioning or promoting homosexuality. The first passed, but was overturned by the courts. The other three failed.

After a brief victory in 2004, when Multnomah County issued marriage licenses to 3,000 couples, gay-rights supporters saw a series of defeats at the ballot box, in the courts and in the Legislature. Voters approved Measure 36, which declared marriage legally valid only between a

man and a woman. The Oregon Supreme Court ruled the Multnomah marriages were invalid and null, and gay-rights legislation that passed in the Senate died in committee in the House.

But while on the surface the gay-rights movement has repeatedly hit stormy waters of opposition, there has been a steady undercurrent of progress over the past two decades, says Dominick Vetri, professor at the University of Oregon law school.

Cities, counties and private businesses quietly adopted protections against discrimination based on sexual orientation. Attacks galvanized gay-rights forces and fostered sympathy for gay causes among more Oregonians, who became more familiar and comfortable with their gay and lesbian neighbors, he said.

And while Oregon gay-rights advocates savor their victories, they have not lost sight of their ultimate quest: to give same-sex couples the right to marry. A lawsuit filed by Basic Rights Oregon two years ago continues to move through the courts. On the Senate floor Wednesday, Sen. Vicki Walker, D-Eugene, said she will be among those pushing for "full equality under the law," which is to say, same-sex marriage.

"It is shameful," she said, "that in the name of equality, we must set up a system of inequality."