



Diane M. Linn, Multnomah County Chair

March 15, 2004

The Attorney General's opinion released Friday concludes that it is likely unconstitutional to refuse to issue marriage licenses to same sex couples.

As an independent jurisdiction we needed the opportunity to thoughtfully review any implications of the advisory opinion. On Friday, I asked the County Attorney to analyze the Attorney General's opinion to answer one major question:

- Can the county rely on the attorney general's opinion that the marriage statute prohibits issuing licenses to same sex couples to defend us from being sued successfully if we deny a request?

The conclusion is that the attorney general's opinion offers ***no assurance whatsoever that Multnomah County will not be sued successfully by any same sex couple who is denied a license while it waits for the issue to get to the Supreme Court.***

In fact, if anything, the risk is greater than previously with what is now the fourth opinion that states that denial of licenses is likely unconstitutional.

Without any legal shield for liability it is extremely imprudent to risk the assets of this jurisdiction.

Based on this analysis, I have decided on these next steps.

1) We will work with the attorney general and the Governor to help fulfill the promise to get this to the Supreme Court as expeditiously as possible. I have asked the County Attorney to contact Hardy Myers to begin those discussions and I will be in direct contact with the Governor.

On a personal note, I have known and worked with Governor Kulongoski for nearly 20 years. We have agreed on almost every policy. On this issue, we are approaching it differently. I appreciate his position and am confident that we'll continue to have a strong working relationship into the future.

2) Multnomah County will continue to issue marriage licenses to *all* couples, consistent with the Oregon Constitution, until such time as the Supreme Court of Oregon or the citizens of Oregon dictate another course of action.

We respect those who disagree or remain uncomfortable with this practice and encourage citizens to continue the public debate, in which we will continue to participate.

"The only way to get equality is for two people to get the same thing at the same time at the same place" - Thurgood Marshall