

**18. Marriage Equality Resolution
(Board of Governors Resolution No. 7)**

Whereas, The Oregon Legislative Assembly has directed the BOG to "at all times direct its power to the advancement of the science of jurisprudence and the improvement of the administration of justice;" and

Whereas, The Functions of the Oregon State Bar as stated in OSB Bylaw 1.2 include that "We are leaders helping lawyers serve a diverse community;" and

Whereas, Consistent with and supportive of this Function, one of the Values of the Oregon State Bar is that "The Bar is committed to serving and valuing its diverse community, to advancing equality in the legal system, and to removing barriers to the system;" and

Whereas, The movement for Marriage Equality is the civil rights challenge of this decade, much as the struggle for racial and ethnic equality was an important part of the 1950s and 1960s, which struggle resulted in improved ability of racial minorities to enjoy the same civil rights afforded to others, such as in public accommodations, education, voting rights, -- and marriage (*Loving v. Virginia*, 388 US 1 (1967)); and

Whereas, As the organization of Oregon lawyers who are called upon to "serve a diverse community," we of the OSB should go on record in support of the civil right to marry a person of either sex; and

Whereas, Members of the OSB help Oregonians every day with issues that turn on the status of the marriage relationship, including marriage and dissolution and attendant issues of support, property division, and child custody; adoption; estate planning, estate/gift and income taxation; healthcare and medical insurance; criminal law; education; and the rights and obligations of debtors and creditors; and

Whereas, the United States Supreme Court recently held the federal Defense of Marriage Act unconstitutional as respects its prohibition of the federal government's recognition of same sex marriages that are valid under state law (*United States v. Windsor*, 570 US ____ (2013)); and

Whereas, In holding that the central government cannot discriminate against same-sex spouses whose marriages are valid under applicable state law, the Court stated:

. . . The differentiation [between different-sex and same-sex marriage] demeans the couple, whose moral and sexual choices the Constitution protects, see *Lawrence v. Texas*, 539 U. S. 558 [2003], and whose

relationship the State has sought to dignify. And it humiliates tens of thousands of children now being raised by same-sex couples. The law in question makes it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives; and

Whereas, We must be respectful of Bar members and members of the public whose personal religious or moral beliefs may be strongly opposed to same-sex marriage, but as an organization charged with protecting equality in the legal profession, and "advancing the science of jurisprudence and the improvement of the administration of justice," the OSB should publicly support a legal environment in Oregon in which the relationship between same-sex couples who wish to marry is deemed "dignified," in which the moral and sexual choices of same sex couples are not "demeaned," and in which their children are not "humiliated;" now, therefore, be it

Resolved, that the Oregon State Bar supports the right of every Oregonian to marry a person of any sex, subject to applicable law regarding age, residence, and other prevailing statutory requirements.

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