



**Testimony of Kimberly McCullough, Legislative Director, ACLU of Oregon
and Brian Harvey, Director, Secular Coalition for Oregon
In Support of HB 4073
House Committee on Judiciary
February 2, 2016**

“An accommodation cannot treat religions favorably when secular groups are identical with respect to the attribute selected for that accommodation.... The Supreme Court also has forbidden distinctions between religious and secular beliefs that hold the same place in adherents’ lives.”¹

Chair Barker and Members of the Committee,

Thank you for the opportunity to submit comments in support of HB 4073, which adds secular organizations and individuals authorized by secular organizations to the list of persons and entities authorized to solemnize marriages in Oregon.

Under current Oregon law, marriages may be solemnized by religious congregations or organizations, clergypersons authorized by religious congregations or organizations, a judicial officer, or a county clerk. For those Oregonians who are members of a church and want to have a religious wedding, the law creates no impediment to the wedding ceremony of their choice.

However, many Oregonians do not belong to a church and wish to be married by a mentor, someone who has provided particular support and guidance for their relationship, or another member of a secular organization to which the parties to the marriage belong (such as a secular humanist organization, like the Center for Inquiry). If that particular person is not a judicial officer, a county clerk, or a clergyperson, they must seek authority from a church in order to solemnize the marriage. This means that atheists, agnostics, and non-church-going individuals of various faiths must seek authority from a church that they do not belong to and whose beliefs they do not ascribe to in order to solemnize a wedding.

This differential treatment—of churches, church members and church officials, on the one hand, and secular organizations, atheists, agnostics, and non-church going individuals of various faiths, on the other—is inconsistent with Article I, sections 2, 3, and 20 of the Oregon Constitution.² In addition, the impediment placed between particular individuals and the marriage ceremony of their choice intrudes on individual autonomy and deeply personal decisions related to the fundamental right to marry. Denying nonreligious citizens the dignity of having full and equal access to the institution of marriage also undermines our commitment to equality and tolerance.

For these reasons, we urge you to support HB 4073. Please feel free to contact us if you have any questions, comments, or concerns at kmccullough@aclu-or.org and oregon@secular.org.

¹ *Ctr. for Inquiry, Inc. v. Marion Circuit Court Clerk*, 758 F.3d 869 (7th Cir. 2014).

² *See, e.g., Newport Church of Nazarene v. Hensley*, 335 Or 1, 56 P3d 386 (2002) (“[I]t is impermissible for a statute to draw a distinction between churches and nonchurch religious organizations.”).