

# Oregon Judge Who Refuses to Perform Gay Marriage May Lose Job

An Oregon judge who has refused to perform gay marriages and has drawn a formal ethics complaint for a raft of other issues should lose his job, a judicial commission leading an investigation into his conduct has found, court documents showed on Tuesday.

Marion County Circuit Court Judge Vance Day engaged in the “discriminatory” practice of instructing his staff to screen marriage applicants for same-sex couples and for refusing to perform the marriages and referring them to other judges, the Oregon Commission on Judicial Fitness and Disability has found.

The Commission also found that Day allowed a veteran with a felony to handle a firearm, solicited and collected money from lawyers who appeared before him, and issued a veiled political threat when another judge asked him to take down a picture of Adolf Hitler in his courthouse.

“Judge Day does not appear to recognize situations that either impugn his integrity or trigger ethical violations,” the Commission wrote in a 48-page decision filed on Monday with the Oregon Supreme Court.

The state Supreme Court will make the final decision on Day’s job. A hearing has not yet been scheduled, court officials said.

The commission’s findings stem from a formal complaint it prepared last year that alleged Day violated the Oregon Code of Judicial Conduct, and triggered an ethics probe and hearings.

Day, who is married and was appointed to the Marion County bench in 2011, has denied any wrongdoing and launched a legal defense.

Day's spokesman, Patrick Korten, said the commission's findings are "at odds with evidence presented at the hearing, and some have no evidentiary support at all."

"The opinion is especially troubling because it disregards Judge Day's First Amendment rights to freedom of religion, speech and association," Korten said.

The Commission cleared Day on allegations that he exposed veterans to media, which worsened their post-traumatic stress disorder symptoms, and that he failed to give staff required lunch breaks.

A ruling by the U.S. Supreme Court last year legalized gay marriage in all 50 states, but a small number of elected clerks and lower-court judges have voiced opposition on religious grounds.

In Alabama earlier this month, the chief justice of the state's top court ordered the state's probate judges not to issue marriage licenses to same-sex couples, and at least two counties stopped giving out the licenses altogether. {eo}

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