

Cindy Cumfer

SR 11289, Oral History

by Erik Funkhouser & Tim Aguirre

Gay and Lesbian Archives of the Pacific Northwest (GLAPN)

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CUMFER: Cindy Cumfer

EF: Erik Funkhouser

TA: Tim Aguirre

Transcribed by: Erik Funkhouser & Tim Aguirre, ca. 2009

Audit/edit by: Pat Young, ca. 2009; Sara Stroman, 2018

Reviewed by Cindy Cumfer, 2018

This oral history interview was conducted as part of the Portland State University LGBT History Capstone course, Winter Term 2009, with Instructor Pat Young.

## Introduction

In the following transcription, civil rights attorney Cindy Cumfer describes her work as an attorney promoting queer issues, but also describes her personal recount on the evolution of the women's community, both in Portland and the U.S. from the 1970s to the 1990s. Ms. Cumfer's description of the legal process highlights the nuances of legal activism. Ms. Cumfer's recount serves as a snapshot of sentiments surrounding the status of community solidarity or lack thereof throughout the period covered. Finally, the chronology within helps develop the activities of many activists, members of the queer and women's communities, and civic leadership. It was an honor to conduct the interview. Inspirational is the least we can say.

**Interview**  
*2009 February 21*

EF: What is today's date? Is today the 21st?

CUMFER: Yeah.

TA: Yes.

EF: Okay. So, it's February 21st, it's 10 A.M. I'm Erik Funkhouser.

TA: I'm Tim Aguirre.

CUMFER: I'm Cindy Cumfer.

EF: And we're conducting our interview for the oral history for the Oregon Historical Society. So, we can, kind of, let you just freewheel and tell us about you and your professional career and your experience in Oregon. Or we can just let you go for a while and start asking questions; whatever you want.

CUMFER: Okay, well maybe I should ask, are you planning to transcribe this entire thing? Or are you going to edit and do things like that?

EF: Generally, yeah.

CUMFER: Hmm, okay. Well, let me figure out what it is you're trying to do, 'cause here's my life and overview in Oregon and then I'm not sure which pieces you're interested in.

I came, first, in 1970 and went to a gay liberation meeting and was very interested in this, and that was a big part of why I came back to Portland in 1971 after I graduated from college. So I was really actively involved in the, sort of, women's part of Gay movement. From then, I don't know, really up until - well, I've never felt uninvolved. I was certainly less involved later.

But, the 1970s was a really interesting time, for me. I mean, in terms of, I think, something that gets overlooked a lot. So, I don't know if that's what you want to talk about. I went back to law school in the mid-1970s and then did a lot of legal work as well as other kinds of work, you know, after that. So, I'm not quite sure what you're aiming for.

EF: Well, if you think - if - well, the one thing that we have specifically in mind is we definitely want to hear about the adoption case, was one thing that they had specifically asked we get into. But other than that, whatever you think would be pertinent to historical record for the community, just go that direction.

CUMFER: Okay, well, let me - then let me start [Laughs] in 1970.

So, I came to Portland in the fall of 1970 and I was very interested in hooking up with gay liberation or gay people or whatever, because I'd already, I'd come out a couple years before. And when I got here, there was an underground paper called *Willamette Bridge*, I think, (it was sort of the alternative paper) and they had a column about feminism, which is something I hadn't been that much interested in until that point, and gay liberation, which I was very interested in. And those columns were written by Holly Hart, who had just, apparently, graduated from Reed not too much before and was sort of their feminist and their openly gay person who wrote. So, that was - it was great because that was really the best way for somebody like me to hook up with what was going on. And at that point there was a lot of gay liberation stuff happening in Portland, both men and women's.

And so, I went to a meeting for women that was held at Centenary-Wilbur Church, which is over on, like, about Southeast, I don't know, 8th and Ankeny, or somewhere in that area. I guess there was a pretty liberal minister who was letting the church be used for all kinds of counterculture things and including this. And that was really, for me, it was really kind of an exhilarating and terrifying experience, 'cause I felt like it was the first time, I'd come out to my friends, but it was the first time I was doing something public with strangers. You know, 1970 was not the safest time to do that. And to go into a church and do it, it was quite a big deal for me.

But I went to this meeting and it was wonderful. I met some people there that - actually, some of them are still around. But I had a job, I was here with my college roommate and we had a job where we worked swing shift and I wasn't able to get back to any of the other meetings at that point in time. We were here until December. So I did at one point get a hold of Holly Hart, 'cause I'd been reading all her stuff in the paper and then talked with her one day, just 'cause I was sort of [Laughs] desperate to talk to somebody. And she was very kind and talked to me for a couple hours.

So then I left, went back, graduated from college. Actually went back to college and started gay liberation on my campus in Florida. And then in June graduated, and in June of 1971 came back to Portland, 'cause I loved Portland. I loved it. The community was here. I loved the city. I loved everything about Portland, at least a lot about Portland. So I came back.

And when I got back, I think I got here in time for maybe the last edition [Laughs] of the *Willamette Bridge*, if that's what it was called, and they were just about to go out, but they did mention, and a lot of the gay stuff had seemed to have vanished, openly gay activity, but they did mention that gay women met at a restaurant called The Stomach in downtown Portland on Tuesday nights. It was a vegetarian restaurant, or a natural foods

restaurant or something. So I did go down there. It's a good thing I got here just in time to find that out, so I starting going to this meeting and that's where I really met a lot of people, a lot of women. Many of them, like me, had graduated from college and were coming here, and it was just kind of a social way to meet people. And from there I just kind of hooked up with various people and got into, sort of, a series of collective households [Laughs] and all these things that we did in the 1970s.

And, okay, so I guess the next thing relevant to - well, so, women, although The Stomach restaurant folded at some point, I don't know, I think in the early fall, and so those event [stopped] happening. But then a number of women started playing basketball together on Friday nights, and then afterward we'd go to one of the women's bars downtown, or one of the bars that became a women's bar, you know, and hangout.

And, so anyway, we talked and we felt like, somebody - we ought to do something to revive gay liberation. So we, sort of, held a meeting, and we were pretty, I don't know, ignorant, there was lots of us who were interested. And so we, sort of, let all our friends know and then we also put flyers in the bars. There were several bars that allowed women to come. There were a lot of men's bars and most of them wouldn't let women enter, but there were a few that did. And then there was one or two bars that was, one that was a women's bar and another that was sometimes a women's bar. And, what's now Darcelle's, was then called Demas tavern, and Walter allowed women to come, too. So, there was, like, a few places. So we also put up in the bars.

In January, so we had this meeting, we didn't know how many people would come, but about 60 people came. 60 women came, I'd say. And it was interesting, 'cause it sort of split, I'd say, about half and half, between people like me who had been kind of college educated and were here from sort of that stream, and then women who came in through the bars who were probably more working class and just in a different set of, sort of the older set of norms about butch/femme, and just sort of a different set of rules.

'Cause those are really - it was an interesting meeting and it was an interesting group. But we all felt, we really - I think everybody was really excited about the meeting.

And so, we continued on for probably about six months, this group met in various formats. We did some fundraisers and Walter, who's also Darcelle, let us have a fundraiser at Demas Tavern; we did a big one there. And we had a little house for about a month that was in Goose Hollow that was a gay women's house. I don't remember what we called ourselves but it might have been the Gay Women's Caucus. But then the landlord, I don't know if it was because we were gay or - but he said he had a nephew or somebody who wanted the house so he threw us out. [Laughs]

And so by then the summer was coming and this was, like, the early 1970s and, you guys aren't old enough to remember this, but, things being what they were, various people dispersed and went to the country or did whatever they were doing. So it kind of lapsed. But, so, this was 1970, too.

So, meanwhile though, there had been a number of women starting to organize around other kinds of things. And at this point a sort of, I'd say, the kind of gay movement and the feminist movement, which was not all gay by any means, the sort of radical wing of the feminist movement really were starting to come together. And, there had been a lot of fights in the, sort of, traditional NOW [National Organization for Women] movement about lesbianism and what feminists thought of that, and so on. But there were, sort of, a lot of women were starting to embrace it and see this as, like, we had some common cause.

So, really, kind of what happened after that is there was less specifically lesbian oriented things. It was called a women's community, and that was mostly gay. But there were activities, like, there was a group of women interested in starting a women's bookstore. And the two or three people who started it, I'm not sure any of them were

gay, but they were very open, and pretty soon it was kind of a mixture of about half and half gay and heterosexual women, who were all interested in doing this bookstore.

There was another group of women interested in starting a women's resource center, and there was another, also from the sort of radical side of the women's movement and a lot of lesbians, and there was another group of women who wanted to start a women's garage, who were mostly lesbian. And so the three of us tried to figure out a way, three groups tried to figure out a way to find one building that could house all this. And after a lot of looking, we kind of concluded that we probably weren't going to find a building that would work for a bookstore, garage, [Laughs] and a resource center. But, we, so we settled on the resource center and the bookstore things together and we got a space down on Southeast Grand, just north of Belmont.

And so that was there for several years, and the bookstore was really quite a success and so was the women's center. And we had some very cool events there. Well, we had a grand opening and there was some poetry read and somebody published the booklet of poetry, there was some women who were doing women's printing, you know, and all this kind of stuff. And so, they published this book of the poetry, which was quite good. And, we used that as a fundraiser, and then the bookstore was making money, and then so on. So, let me think of where I was going to go from there.

Well, so anyway, that was kind of quite thriving for - at some point in 1974 I went to law school, but for the next, you know, that couple of years, it started - I think it opened in 1973 and it went on in that location for several years. During the time I was there, the women's resource center was organizing various events and we would latch on, ('cause we didn't have that much money) but we would latch on to groups like Portland State and the new Women's Studies Department that were bringing speakers to town.

So we had Peggy Burton, who was fighting a - she was a gay teacher in the Salem area who'd been fired and Charlie Hinkle took her case, you know, and litigated it. And she came to one of our potluck dinners and spoke, and talked about her case.

Adrienne Rich was in town once, 'cause Portland State brought her, so she came over. She's a poet. I don't know if you know who she is; a well-known women's poet, lesbian poet, I guess. Came over and was part of our potluck.

And then, Del Martin and Phyllis Lyon were in town one time, and so they came over. You know who they are?

EF: We've heard about them, I can't....

CUMFER: Oh! Wow! Well, okay, they founded, well, back in the 1950's, some of the first organized gay movements in the United States were - the first one probably was the Mattachine Society, which was found in about 1950 in Los Angeles area, by an ex-communist named Harry Hayes, I think. And it was mostly men but there were some women. And, so, then Del Martin and Phyllis Lyon were a couple who were living in San Francisco and I think, initially, they were part of the Mattachine Society and then they decided they should do something for women.

So, in about 1955 they founded a group called Daughters of Bilitis, and they weren't particularly communist, so, I think, their orientation was probably slightly more mainstream than the initial orientation of Mattachine Society, although that changed too. But anyway, so they were - but they managed to reach women all over the country; almost all of them in the closet, I think. And they had a publication called *The Ladder* which had stories about women and poetry and things like that. And so that went on - I don't when that died out but it was going on still in the 1970s. So, they were reaching women from really all over the United States who were in the closet, or in small towns,

and had nobody and were going to kill themselves but they heard about this group and blah-blah. So anyway, they were quite fabulous. They were, kind of, really well known just for having done that 'cause, you know, who's going to do that in 1955.

So, and so then, in the 1970s they wrote some books about - I don't remember what they were called, but about being a lesbian and so on. So, they were published by New York type presses, so they were quite well known. They were very prominent in the - so they were still together. One of them, I think it was Del Martin, died this past year. And, there was an article in *The Oregonian* about it 'cause they'd been involved in the gay marriage movement in California. By then they'd been together for, you know, at least 50 years.

So, anyhow, they came, we met them, back in the 1970s. They came and had supper with us. Anyhow, just a lot of community events and things like that.

So, I'd say, at that point, there was a very strong women's community and a really growing women's community. We had a reputation for being a nice place to be, just, around the country. And, people traveled a lot and a lot of people came to Portland because they heard we were a cool place to be. It was nice women's community, meaning lesbian community, but with all these, kind of, heterosexual allies, I guess you could say, supporters also involved.

And so, although these groups didn't say specifically "gay" in the name this is where most, I'd say most women, most lesbians went in the 1970s who were associated with either larger women's community in this sort of ethos of: we're not so interested in the legislation, we're interested in changing the world, we're interested in changing how we live. And so, out of that sort of grew, I think, several things. That I tend to think, this whole piece gets ignored.

I think a lot of people think gay history started with the very small group of men, and an occasional woman, who were going to Salem and lobbying for legislation and so on. And, I mean, and that's fine, I think that's great that they did that. But, just in terms of overall gay life in Portland, most men were in the closet. Most women were not so in the closet. [Laughs] It was a very active women's community, I mean it was just - everybody's a certain amount in the closet, whether - how out you were at work or not, but, very open. I mean, people could find you. There's these places, like the women's center, where you could go and find out where women were.

Quite a bit of separation from women and men. I think from the women's standpoint it was felt that men were really sexist and also - it wasn't true. There were some men who were on the radical side and kind of more, you know, there were some friendships. And, also, most, not all, but most women weren't that interested in just a legislative agenda. We just saw that as very narrow.

So, but then, of course, some of us went back to school and became doctors and lawyers and accountants [Laughs] and things like that. And that's what I did in the mid-1970s. I went back to law school and got my law degree. And one of the things I was very interested in doing was working with the lesbian and gay community. And so I did, when I came out.

By then, a lesbian named Ruth Gundle had started, along with another woman, had started Community Law Project, which was a public interest law firm. And they started about in 1975, I think, and I went over and met, I knew some of the women already, I went over and met the others in 1977 just before I got out of law school and they sort of spontaneously called me up and offered me a job, which was great. So I took it when I got out of school and went over there and worked for them, worked for the collective for three years. And they did a lot of other kinds of work too, but they were also doing a lot of work particularly with lesbian custody. Katharine English was there.

She came as a law student and she was really interested in that. And Multnomah County was not, at that time, Multnomah County was not a particularly gay friendly place, as a whole. It was pretty -.

We had a - I have a friend who's in her 80s who was in Portland, she grew up in Portland, and was gay in Portland in the 1930s and 1940s and, moved away for a while for a job in Alaska, but was here, except for the maybe 10 years, she's been here. And she said - who was it? That woman mayor in the 1950s that people talk about? Dorothy Lee or something. What was her name?

EF: Yeah.

CUMFER: She said her first act after she got into office was close the gay bars.  
[Laughs]

EF: Right, right.

CUMFER: So, it was - and there had been one case that we found, that we knew about, in Multnomah County where the judge had ruled against the women, you know, it'd been a lesbian custody issue, I think, or maybe visitation and the judge had made the homophobic ruling; she wasn't comfortable with that.

There were two women in southern Oregon, Nance and Estelline, last names I've forgotten. Have you heard about them?

EF: [No].

CUMFER: They were in Klamath Falls, I think, and they were both married and they met each other and fell in love. They both had a bunch of kids between them.

TA: We did hear about this.

CUMFER: Yeah. And so, one of them's husbands put up a custody fight and, you know, K Falls was not the most liberal area in the state. Still isn't. But, so, one of them - so they agreed on custody; I think they didn't try to fight on custody because they knew that was a lost cause. But one of the husbands didn't want the women to have visitation, or didn't want her to have visitation if her partner was around, or something. So they did fight them on that. And it ended up being appealed to the Oregon Court of Appeals, which matters to lawyers, 'cause then they have written opinions that are binding on the lower courts and we can all read about. And they won. They got the court to say that homosexuality, by itself, is not enough to exclude a parent from having visitation rights. So they're still around. They've been active for many years. They do public speaking and so on.

And, Katharine and I, at some point, I think when we were still in law school, went over and their attorney was Pat Watson in Portland, we went over and did some work on the appeal to - or maybe it was after the appeal to see if maybe more could be done. So, Katharine really got interested in the whole, she was a lesbian then at least, or said she, she was involved with a woman so she was really interested in the custody issue. And she was a tremendous attorney. I don't think I've seen very many people come out of law school and be as dynamic as she is. Very ballsy woman. [Laughs] And so, in the late 1970s, she started a -.

Well, I was clerking for a law firm when I was in law school. A liberal law firm downtown, a really good law firm, Willner Bennett. And, Bill Riggs, who was one of the attorneys, one of the partners in the firm, took on a lesbian custody case. This was probably around 1976 or 1977. It was a very, should have been, would have been a very good case. The woman, the client, was really sympathetic, you know, very ideal mom,

very attractive. [Laughs] The dad was an attorney and really fighting it and, unfortunately, the case was being heard in Washington County and not Multnomah County. I don't know how much difference that would have made. But anyway, the judge who was out there ruled against Bill, and gave custody to the dad. And Katharine had come to work for Willner Bennet, basically, to work on that case, when she was still in school.

So, that stayed with her. I think it also stayed with Bill. Bill was appointed a judge in the Multnomah County Circuit Court about the time I graduated, and then I went to work for the Law Project where Katharine went to work. And Bill was a sitting judge, so, we were pretty sure we had one ally, [Laughs] 'cause he was really upset, to the point of tears, when he lost that case.

Then, around that time, Kathleen Nachtigal ran for the seat. Usually people resign, judges reign midterm and then the governor makes an appointment and the elections are a big yawn. But, for whatever reason, it was an open seat, and a woman named Kathleen Nachtigal ran for the seat and she was very gay sympathetic. She campaigned in the gay bars. I mean, she wasn't gay herself, but she was very liberal. And she won. So there were two people doing what was essentially domestic relations work, in Multnomah County now, who were more on the sympathetic side.

So, Katharine, being really a brilliant strategist and a brilliant attorney, started - and the third judge was Judge Lennon who used to be a partner of Don Willner's back in day before he became a judge too. So, (this is where I'm not so sure about mentioning people's names without getting their permission) but, the - so, Katharine, sort of, waged a campaign to change how the courts in Multnomah Country looked at lesbian custody, and she doesn't get enough credit for this, although she did at the time.

She went, sort of, judge to judge. She found expert witnesses who understood the American Psychiatric Association in the mid-1970s had changed their criteria,

homosexuality used to be a mental illness and isn't anymore. So, she'd get expert witnesses who were psychiatrists who would testify that has nothing to do with custody; custody should be made on other considerations. And she kind of went judge to judge. She didn't have to do much persuading with Bill and Kathleen, but with a couple of the other judges she went, you know, brought in the evidence. Also she went to persuade them that, hey, let's quit using homosexuality as a factor.

And then, she also went to Multnomah County Family Services, that does the custody studies for the cases, and the court relies very heavily on these custody studies 'cause they're neutral. It's not one party hiring an expert, and they do them in all the custody cases. And she got this Multnomah County Family Services to educate themselves about homosexuality and, you know, all the issues that get raised by the parent who doesn't like another parent being gay, and why that's not a deal for the kids. So they did some training on that and so their custody studies started coming in.

I mean, you know, the homosexual parent may not be the best parent, in which case they shouldn't be the custodial parent, but usually in our situations it was the mom and usually she was the primary parent and usually the only problem with her was that was gay. [Laughs]

So, anyway, over the course of about four or five years, Katharine flipped almost the entire bench. So that, in Multnomah County at least, if you were lesbian or gay, (and I did a few gay male cases too) and trying to get custody of your kids or visitation or whatever, homosexuality wasn't going to be an issue, at least as long as you got one of the normal pool of judges.

Every so often something would happen. I had one case where, every so often you get someone outside the pool and then you have to, sort of, sweat it out again. Okay, we got to reeducate this person. But once there's kind of a sort of set culture, you know,

among the bench, if there's a judge hearing a case who doesn't normally hear dom rel [domestic relations] cases, he would go and probably, and usually go and talk to other judges to kind of say, what do I do with this? So, that's kind of a long winded way of leading up to what happened when I did the adoption case.

So, Katharine got appointed to the juvenile court bench in the mid-1980s, probably 1984 or so. So, she wasn't litigating anymore. And I was also litigating lesbian and gay cases, too, and handling them for people. So one of the things that grew out of this women's movement in the 1970s is that women settled down, were probably more likely to settle down into partnerships than men were. They didn't last as long as they should have but, you know, and to think about families. And by the latter part of the 1970s more and more women were turning to donor insemination as a way to get pregnant and actually have a child within a relationship. And, initially, it was done informally, just with a known donor, because there really weren't sperm banks then like there are now. But, women were getting pregnant, doing - I was doing donor insemination agreements shortly after I got out of law school I think. So, women were having babies and started talking about why not adoption? Why can't this other partner adopt? And, that - so I had a number of clients ask me about it over the years and I had been saying I don't know. We'll have to see.

But, by the mid-1980s, so much of the Multnomah bench had been won over, there was one judge who was the hold out and we just avoided her, she was the one in the 1970s who had ruled against the gay parent and actually it had happened again a little later on, so we basically avoided her. This is the irony of human beings, I guess. [Laughs]

So, I started - I, sort of, informally went around and talked to some of the judges who I knew on the bench to say, you know, "I don't have case yet but I have people

asking about this and how would you feel about second parent adoption if both parents were the same gender?"

And they were kind of like, the more liberal ones were kind of like, "Well, I don't know, I mean, I personally want to do it but I know if I have the authority under the statute," because, of course, the statute didn't address that. "And so, you know, I'd have to see, I'd have to decide if the situation came before me." And that kind of made me nervous because I wanted someone to say yes. So, I had some clients, then, who came and decided they wanted to test it.

And, meanwhile, Katharine had gotten on the juvenile court bench and she'd gotten to be good friends with the judge who had been the kind of homophobic judge. This person was actually a very good human being, just, you know, kind of antiquated in her views. [Laughs] And when she and Katharine connected and she started to see Katharine and her life, she changed her mind. And Katharine had told me she felt like she probably had changed, and I thought one thing about this judge is, she probably - she was always the kind of judge who maybe wasn't quite as concerned about what the law said as if she thought it was right she was going to do it. [Laughs] So even though she was the judge we had excluded all those years, I thought, well, why don't I start with her? And, at the very least, you know - Katharine knew the couple I was bringing in, and I thought, oh, I'll bring Katharine in as a witness. [Laughs] She was going to have to sit here and look her in the eye and say, you can't, you know.

Well, so, these things are usually done, these uncontested adoptions, because the state didn't have an objection, are usually done in the judge's office. It's not in an open court. So this particular day when it came up and I went into the judges office, Katharine hadn't gotten there yet, she was a little late, and so I was just kind of, oh geez. So I had my clients stay around just in case she wanted to see the real people. And she just looked at the paperwork and said something like, "Well, if these women were sisters and,

like, the husband died, is there any reason why they shouldn't both be parents if they're raising the kids?" And of course I said no, no I guess not.

Well no, she didn't say that, she just looked at the paperwork and said, "Well, I'm fine with this," you know, and she signed it. And a couple minutes later Katharine walked in and she said "Oh, I see you're checking up on me." But, she didn't have a problem, she signed it.

I guess it was the next day or a couple days later I had to go back to for something in connection with the paperwork and she had said to me "You know, I was thinking about it and I was thinking that if these two women were sisters and, you know, one of their dad's died and they wanted to raise the child together why shouldn't they, you know, both have parental rights?" And I thought, well, okay. [Laughs] That's good. So, she had signed it.

As far as I know, that the first order in the United States where there were two same-sex parents. I had called - at that time there was group in San Francisco called the Lesbian Rights Project, which is now the National Center for Lesbian Rights, they changed their name. And Roberta Achtenberg, who later created a stir 'cause Bill Clinton appointed her to some position where she had to run through the Senate, you know, in his administration and she was an open lesbian and so, that's when Newt Gingrich and all those people got themselves up in a titch about Roberta.

But anyway, at that time she was the executive director of Lesbian Rights Project and I called her 'cause I had met her at a conference and I thought if anyone would know about other cases, ('cause I was hoping there were some) that I could take to this judge to say "Here, it's been done before, you're not the first." But she didn't know of any. She said they were talking about it, but nobody had done anything yet. So, we did it here.

This girl, who was about four, and was a donor insemination child, is now out of graduate school and working and doing well.

And then the next year, Washington State had a case and they had somehow heard about our case and they contacted me and got our paperwork and so then they did what I was trying to do, which was use this to build up - and they got a judge up there to sign it and the same year California got a judge to sign it. And then Washington, and then pretty soon sort of judges all around were signing it. And I think in the 1990s there were a number of cases where it went to appellate courts. And the last time I checked, which has been a while, 'cause I haven't done this in quite a while, but there were, most of these court opinions were in favor of adoptions. Of course there are states like Florida that have specific statutes now that say you can't do it. But, the courts, when they were considering it, were saying, you know, sure.

I got a judge in the early 1990s, here in Multnomah County, a different judge, to sign a three parent adoption, because in that case the dad dropped out of the picture in a divorce when the kids were very young, and the two moms had raised the kids, and they were both adults by they came up for the adoption. We could have excluded the dad and he would have been okay, he would have been entirely uninvolved, [Laughs] but I just kind of felt like why exclude him if you don't have to. Their kids were grown up so there wasn't going to be a custody issue and his family was quite wealthy and I just thought well, you know, what if he ends up, they end up being in the line to inherit, you know, do you really want to? And so, anyway, the moms didn't care one way or another so we actually, I got a judge to sign a three parent adoption, which I think had been done in Alaska.

Anyway, so, after that, after getting this judge to sign it, then it was a matter of going around in Multnomah County to the other judges county and saying, you know, judge so-and-so did it. And, of course, if you're a liberal judge that's like. [Laughs]

And, there was a case from Salem that went to the Oregon Court of Appeals, where an attorney had done this case, I think it was Kate Brown who did the case, and the court there refused to sign it and so it was appealed and the Court of Appeals split equally whether to affirm the lower court or not and when its equal they just affirm whatever the lower court did. So if she'd won in the lower court they would've affirmed that, if she had lost in the lower court, of course she had lost in the lower court. So she lost the case.

But that was actually the case, the good piece of that was that was the case that persuaded one of the other judges to start signing new orders. She said, "Well if I sign them and they're going to split evenly on the - and then." [Laughs] You know she wanted to do it and so she felt like okay, that's enough for me. So, all the, by 1990, all the judges in Multnomah County that normally handled these things were signing the orders and now I think there's a lot of places throughout the state. I think the judges in Lane County do, and I think I've even heard there's a judge in Marion County that has. I don't - and I have kind of lost track -.

[To cat] Hey! What are you doing up here?

I kind of lost track 'cause I stopped doing this kind of work, probably, about 12-13 years ago so I lost track of what - but, it's just kind of routine now. The struggles have more been around can we waive the fee for the custody study, 'cause, you know, when a mom remarries, you know, with a step-dad in the picture they don't have to do a custody study and so eventually we got that, 'cause that's expensive. And eventually we got that knocked out. So, anyway, that's that piece of the story about that.

I did a lot of, I mean in addition to doing that as an attorney, I did a lot of work with unmarried couples, and I have a book that I published up through about 1995, it was

called, it was on - I think I might have a copy upstairs if you want to see it, but anyway it's *The Legal Guide for Unmarried Couples in Oregon*, but mostly I did it for gay and lesbian couples, but the unmarried couple law at the time was all the same. I did a lot of work with the bar, educating the bar, lawyers about unmarried couples; wrote the chapter in the bar book on it, that lawyers use, 'cause a lot of lawyers were just dead ignorant about it.

I represented a lot of folks - well, speaking of dead ignorant, [Laughs] one of them was, I had a client in the 1980s who was - how old was she then? I think that she was 82. And she and her partner had been together for probably 40 years. They had gotten together, what? In the 1940s I guess, then. And the partner was a doctor and she was a nurse, and they were breaking up. And the other woman's' attorney came to court, he obviously - I think that this was before I had written that chapter in the book, but we were in front of one of my favorite judges, they were the one who ran in the gay bars. The other attorneys' argument was that these people were not really in a domestic partnership relationship. [Laughs]

I had brought my client, so he was denying - there's a set of law that specifically applies to unmarried couples, and he was claiming that they were not really cohabiting in that way for all those years. And I had brought my client, his client wasn't there, but I brought my client to court with me because he was making noises about this. So my client was the sweetest little old woman. She looked like just everybody's grandmother; very sweet person. She also met Amelia Earhart. She was a very interesting person. So anyway I brought her in to talk and I said "Would you like to talk to my client? I brought her in." [Laughs]

And Judge Nachtigal just looked at her and said "I don't need to do that." [All laugh] "Her affidavit says this is it. Are you seriously contending that this is not what's going on?" Her attorney was like oh I don't know. So anyway that got settled after that.

So I did a lot of work with unmarried couples. I've probably done about fifteen hundred wills for some of them individual gay people, but a lot of them were gay couples. And now there are a lot of attorneys who would do it. In the late 1970s and early 1980s there were probably attorneys who did it, but they didn't advertise openly, and I advertised openly, so I got a lot of people that way.

The other day I had a client on something completely unrelated. It's a nonprofit person who's down in Woodburn and he said a buddy, this friend of his, had uncovered an old paper called *Cascade Voice*, which I actually don't remember anymore, from 1984 and it had an ad in there that I had put out. [Laughs] 'Cause there were a lot of times that I was the only person advertising. Or there might be one or two others.

But, you know, I just kind of feel like I'm open; I've been open. I mean, probably we all have areas in our life that we're a little less open than others. I've just been open publicly, and that's why I came to Portland.

And then, let's see. In the early 1990s, when the ballot – well, the first ballot measure in 1988 - I'm just giving you all that I know and you can tell me to stop.

EF: No. [Laughs] No. This is great.

CUMFER: Okay. The first ballot measure was in 1988 was the one when Neil Goldschmidt ran for governor and he promised - you know about this?

EF: Yeah

CUMFER: Okay. He promised to issue an executive order to ban discrimination based on sexual orientation, and he followed through and he did it. And so the O.C.A.

[Oregon Citizen's Alliance] formed and they opposed that ballot measure and they got their petition on the ballot and they won the electorate. And I think it shocked the gay community. I don't think that people took quite seriously that this would happen in Oregon. But it did. It shocked everybody.

And at about that time, just after that, there was a group of lawyers, of lesbian and gay lawyers who were forming a national organization for lesbian and gay lawyers and they called a meeting in San Francisco. So probably as a result of this, the Oregon delegation that was Oregon people that were going down to San Francisco conference I'm sure grew, there were 20 or 25 of us there were lawyers or legal assistants, it was mostly lawyers that went down. I know Charlie Hinkle went. I went. And so there was this kind of national organization formed.

Ed Reves, I don't know if he was at that conference or not, he must have been. Somehow he and I hooked up and we were interested in doing something in Oregon so we started a group called – well, now it calls itself The Oregon Gay and Lesbian Law Association, OGALLA. They still meet, although I've kind of drifted away from it. But Ed and I pulled together a directory of all the lesbian and gay lawyers and people who are legally associated people; paralegals and so on. There was about, I don't know, 45 or 50 people in the, it was mostly in the Portland area; the Portland/Vancouver area probably. I'm not sure if they put in Vancouver people in there or not.

Anyway, so that was kind of going on. There was that piece going on with the lawyers, and the national group persuaded the American Bar Association to take a pro-gay stance; you know, to come out against discrimination against lesbians and gays and bisexuals, and as time goes you different people have been added to the list. OGALLA's been quite open and done quite a bit of work supporting some of the Oregon stuff.

I thought there was something else. Oh, so I was in law school and then involved with Community Law Project and I got involved with the committee to support the Black United Front, was doing some things like that. And then, sort of in the mid-1980s a lot of us started feeling well - the other thing that happened was that, while in the 1970s there was a very vibrant women's community. And there still is even though it's not as tight as it used to be; people don't have the need for it in quite the same way. But then in the 1980s what changed for the men was, in my experience in Portland, was the AIDS [Acquired Immune Deficiency Syndrome] epidemic. And so people who had been in the closet started coming out, a lot more men started coming out and the political movement among men, and women but particularly among men, moved toward dealing with the AIDS epidemic, which was truly awful. And so, side by side with this women's community that existed [and] made some efforts toward the legislation, but much more effort among men and a lot women to deal with the AIDS epidemic.

And so one of the things that came out of it is that the voice that newspapers and the press saw to speak for the sort-of gay movement became the men again. [Laughs] And there was sort of a feeling among a lot of the women that, hey, you know, we've got a real piece in this and we're not really – somehow, it's being overlooked, and maybe it's time for us [to have] a specifically lesbian organization. And it was a two year planning process, and out of that came The Lesbian Community Project [L.C.P.] in the mid-1980s and I was involved in that, 'cause I felt that was the case. And a lot of what lesbians were doing really was underappreciated, and a lot of us were for gay marriage and y adoption and so on, was not as interesting to the men, 'cause mostly they weren't in that place at that time.

So anyway, we just wanted lesbians to have a more visible place at the table and so started the Lesbian Community Project, which recently, finally, died its long, probably, good, natural death, [Laughs] because I think that's not as important anymore. And in the 1990s, more and more of the activities started having women and men together. A lot of

the groups that supported or opposed the ballot measures were often run by women. A lot of other groups, like Equity, men and women both participated in. I think that we've gotten past a lot of the gender stuff that we used to have.

But the [Lesbian] Community Project, there was room for that; we had hundreds of members. And one of the things that we did was we had, initially to create support for it after we finally formed it was to encourage people to come together by interest groups or by occupations, so the doctors would have a lesbians doctors group or whatever to come and raise awareness about L.C.P.

And we did one for lawyers and I was really surprised. I knew a number of lawyers who were gay but, I think that we ended up, different people knew different people, and I think that we ended up in the Portland/Vancouver identifying about 55 people that we might invite to a meeting at my house, and about 30-35 people came who were lesbian lawyers in the area, including a woman that I had worked with on a case. She worked for Washington County, and I would never have guessed that she was gay. I kind of thought I had some kind of gay-radar, [EF & TA laugh] but I didn't have any kid of gay-radar, It totally failed me and I was astonished when she walked into the house. I was like wow! Who knew? [All laugh] One of the joys of organizing.

So anyway, that was a piece, just watching professionals organize, 'cause we sit in boundaries in a certain way. Some more middleclass, you want to be respectable, there's that pull to not be who you are. But then, you know, a lot of us have deep connections with the community.

So in 1992, when the second ballot measure was happening, I contributed a lot of money to it and I worked for it, and I just found myself – it was so hateful. Were you guys here during that ballot measure?

EF: [No].

CUMFER: Oh. That was pretty indescribable, really. Because by then, Oregon, especially the Portland area, was quite liberal and you felt comfortable being here. And from about the fall before, the fall of 1991, when the O.C.A. got it on the ballot, or was getting it on the ballot, until the election, almost every single day on T.V. [Television] you would turn it on and there would be something about being gay in Oregon and this ballot measure. You know, T.V. stations always feel they have to present both sides, so there would be the calm, rational person saying something and there'd be some guy over there saying - Ron Mabon was a good spokesperson. He seemed calm, he just said very hateful, ridiculous things. You know, it was really wearing and high anxiety and I found myself, in 1992, starting to feel like I was starting to hate these people, and that's really not the kind of person that I want to be.

So I started thinking about church shopping, 'cause for many years I had considered myself sort of spiritual, but not - well, kind of an agnostic spiritual, I guess is what I said then. I did not quite believe in God, but I do believe based on spiritual sense of myself and the world. And I have been on speaker's groups for lesbian and gay issues since the 1970s, and in the 1980s in particular went to a number of churches. And in the early 1990s, a lot more churches were thinking of being welcoming, so I had gone with this group, with whichever organization I was working with to talk to churches about being open and affirming. I think they'd all been Christian churches up until that point.

I met a woman at one of them, on one of the panels, that was from the Unitarian Church downtown and she really liked her church a lot. So I was church shopping and I thought, well, I'm going to need to find a place where I'm going to feel - even if I don't, anyway, I just need a place where I can be in touch with that part of myself and get past and figure out what's going on with all this hate stuff for me. So I went to some of the Christian churches who were very nice. Some of them I had already spoken at, you know,

I knew people there. I'm just not really Christian in terms of my dogma. In terms with my beliefs; I don't have a dogma, but in terms of my beliefs. I had a hard time with the dogma piece.

So I finally went to First Unitarian downtown the Sunday after the ballot measure was defeated, and I hadn't really let myself feel it. Unitarian Universalists don't have a dogma; it's around a spiritual search and this kind of thing, that you don't have to believe that. And there was a really dynamic minister there. And the music director, which turned out to be Mark Sleger, who is also very wonderful. So great service. So as soon as I got there, I felt really different, like these people aren't about fear, they're about love. I went into the service and it must have been the board announcement, it must have been the announcement period or something, and Mark Sleger got up and raised his hands and he said "We defeated Ballot Measure 9," or whatever it was. And the church was packed, there was about 300 people there, and everybody applauded.

Now I'd gone to other churches where there was always a group that had some reservations, but I don't think there as anybody there with any reservations. People were really excited. And I started crying and I felt, wow, this is a great church. So I got involved and became a member and I'm still very involved.

Marilyn, the minister, was very new then. She had just come herself, and she's a dynamic minister. She's also really interested in social justice. So a year or so later when she got herself settled, one of the things she did, the church had a social justice program where they pick a cause a year. But it was growing very fast, had a lot more capacity to do a lot more than that, so she called a meeting one weekend to come and talk about social justice issues, and I went along with a lot of other people. And at the end, they ended up dividing people into, sort of, what would you be interested in working on? So I picked lesbian and gay issues and there were several people there who were also interested in that. And so we formed a group within the church – what did they call them?

Action group. We were, like, the gay and lesbian action group, or something like that, along with a bunch of other groups formed that day. So mainly, the extent of what I have done as explicitly gay and lesbian things, a lot of it has been done through that since then. Well, I mean, initially it was through that.

The next ballot measure came up and there were about – we sort of invited the church and anybody with the church that was interested in working on it to come, and like 70 people came [Laughs] and expressed interest. Some of them went out and actually joined the campaign against the next ballot measure in 1994. One of the things that I thought would be good to do was - because a lot of the gay community then was antichurch still. There were a few people who went, and M.C.C. [Metropolitan Community Church] was around, but most of the people really disliked the idea of church; it was anathema.

Before, in 1994-1995, I'm not sure, we did a gay pride service. We had a beautiful sanctuary there and so we did a service right before the march, because in those days the march was on Sunday. I think it was on Sunday. No, maybe it was on Saturday. So we did a service, must have been Saturday, because we did a service in front of it. And the first year, both our ministers came and we had Marc Belentini, who was a gay minister in our denomination in San Francisco, who was very well known, come up and Thomas Lauderdale played the piano. And it was really a - the church was full, I don't know what it filled, I think it fits two or three hundred people.

Lots of people came, including one woman who told me later she was there as a teenager, and she was started getting interested in girls and her mom went to church there, and so her mom brought her to church, 'cause she thought that she ought to know that this would be okay. And she's now a minister in our denomination. She came out not too long ago, and said, "I don't know if you know who I am, but I came to your service."

[Laughs] So I really got into the youth thing. So, anyway, that was really good that we have a presence at the parade, but it was nice to actually have the service.

Okay. I probably covered most of everything I can think of.

EF: I had a question. When you were working at the law firm and you guys were working on persuading judges in the early part of the queer adoption work, did you guys consult any other sector of the queer advocacy community? Or did you just do it kind of autonomously? As you were - I don't remember the name of the group was.

CUMFER: Oh, Community Law Project?

EF: Yeah. Did you guys make the decisions yourself or did you feel, like, obligated to consult other people who were working on issues in the community?

CUMFER: Well in the late 1970s, there weren't other people working on issues of the community. [Laughs]

EF: Oh, okay! [Laughs]

CUMFER: I mean, we were it. You know, except for the group of folks that went down to the legislature. In fact, I went once with my partner at the time, my girlfriend, 'cause she was testifying. She had kids and she was testifying, and I went down to support her.

But nobody was talking about custody. I can't imagine that was even in the agenda. It would have been way too political. And frankly, the men weren't that interested in it. [Laughs] And I don't blame them. I mean, it would not have been politically feasible to take something like that. They couldn't even get through something simple like job discrimination.

So, I'm trying to think who else, what other groups there really were. Well, if there were groups, I don't remember them or didn't know about them outside of, whatever that group, there was the group that was mostly men, who were doing the legislation. And their name went through various iterations and I don't remember what it was then. I don't think it was Portland Town Council. It might have been, but that totally wasn't their issue.

So, who did we talk about? We had a lot of support in the women's community, lots of people, of course, wanted custody of their kids and there were many horrible stories about custody fights. And in the 1980s many horrible stories, because Karen Thompson - I don't know if you followed that? In the 1980s there was Sharon Kowalski. You all learned about that?

EF: No.

CUMFER: Oh, okay, that's a slightly different story.

And, you know, we just had a lot of support and people would come and do donor insemination agreements and came to us for their custody work, because, you know, we were it. I can't think of anybody we would've gone to? I mean that is a good question, but really it wasn't like now. [All laugh]

And a piece of what happened, I mean, although it's national, but it had this local resonance, 'cause the woman was amazing. I wonder what happened to her? Her name was Karen Thompson and she had a girlfriend named Sharon Kowalski and she lived in some little town in northern Minnesota and they'd been together for about four years and her girlfriend was in a really bad auto accident and became, left her much impaired mentally and physically. And so the fight became over who got to see to the care. Because Karen wanted to do it, she was like her spouse. But her parents wanted,

Sharon's parents stepped in and insisted they had the right to do it. And Karen would have been much more successful. She would go every day and work with her and keep her hand from doing this [Makes a fist] and stuff like that, a whole bunch of stuff. She was really - I think she was, maybe, a gym teacher at a college or something and she had a physical therapy background. And the parents just, kind of, basically believed that the daughter was tragically – you know, there wasn't much they could do for her, and so their idea was to more leave her alone.

So for a while, [Karen] did have access to her and was making some progress and then the parents got some orders. They went to court dozens of times over this case, dozens of times over the years. The parents won sometimes and then Sharon would regress. But ultimately, after many years of fighting, Karen finally won the right to have the say in her care.

But it became a national issue. It was in the media a lot. *The New York Times* covered it; a lot of people covered it. And really it was very tragic for her, 'cause Karen went hundreds of thousands of dollars in debt. She didn't have that much money, even though she had a cheap attorney. It was just extremely costly, and her family had access to the money that Sharon got 'cause of the automobile accident. So they used that up fighting this case, I think. [Laughs]

But it really raised people's awareness around the country about things like some of the things that were doing, like getting medical authorizations to say who gets to prescribe your treatment. Ultimately, legislation was passed that allows people to say in a legally binding way, healthcare power of attorney, who gets to do your treatment. But in the 1980s we were kind of making the forms up, and then having to work with the doctors and hospitals to say, "Won't you honor these?" So in this area most of them would, after some work. But it didn't become law until maybe the late 1980s or early 1990s to where they had too. And now, of course, now they give them out to you when

you go in, 'cause actually it turns out that most of them don't care. They just want to know who the best person is and who they can talk to.

But anyway I kind of digressed. But she came; Karen came. She stayed here one night to speak to the Lesbian Community Project when we did our opening of our big conference. After about a year and a half of organizing, we had a big conference and she came and spoke to the it. She was a terrific, terrific woman, I got to say.

She was under huge stress and held it together to do all that; very committed. It's a big personal cost, not only financially, but just emotionally, to lose your partner and then have to deal with somebody that is disabled. And all the issues that happened when your partner is disabled and what does that mean? Do you have other relationships and all that kind of stuff. I think that mostly hadn't occurred to her yet, but it was starting to occur to her, and you know, just a huge strain of her family opposing her and having so much difficulty getting to see her girlfriend and then all the media attention. She'd go home and say, "My answering machine is full of messages from the various media people and I can't ignore them." Anyhow. But she was basically one of those human beings that you knew what a really good human being.

I'm trying to think about when we really started having – well, the AIDS epidemic brought out more openly a lot more open discussion. Of course, all of that brought out the O.C.A.

EF: When you were doing the adoption cases, how long did it take for - or was there a media gaze on that? Did it ever really get to the point where people were commenting on it? Was there any public commentary in the media, or anything like that?

CUMFER: There wasn't for this case. Well, for one thing adoptions are private.

EF: Oh. That answers that.

CUMFER: So the media doesn't have access so the couple would have to decide to take it out to be more public and they were willing for me to send it to other attorneys, but they didn't want to be public. Probably part of it may have been their daughter and one of them had, you know, she was here on some kind of, she was a resident of another country, here on some kinds of permanent visa status - I don't know what it was, but she was a little concerned. Probably a lot concerned, given the government's attitude about [Laughs] homosexuality and immigrants in those days, that she didn't want to have that restricted and be sent back.

Now the child is grown up. Actually, who wants the media attention is the girl who's grown up and she actually thought about – gosh, I guess this year is the – I guess it was the 20th anniversary, in 2005. She wanted to do some kind of thing, and one of her moms was still a little reluctant for those same reasons. I think less concerned, but was kind of ambivalent, and it just never got organized. Now that I think about it, next year will be the 25th year.

So what did happen was that [their daughter] did go online and - I probably shouldn't say her name, but anyway she happened to go to, for some reason, she went to the National Center for Lesbian Rights Project a year or two ago and found that they are claiming they had done the first case in 1986 or 1987 and she was furious. [Laughs] So she got me all wound up over this and wanted those folks to correct it and say I'm the first case. So she contacted them and they said they were going to change their website. I mean, I don't really care, but it mattered to her.

So, I don't know, maybe there'll be something next year, if she can talk her folks into – I don't know. The one parent's fine with it. The other parent would be okay with it except she doesn't want to be excluded from the country. [Laughs]

EF: Did you have any other questions?

TA: No, that was great. Thank you.

EF: That was a pretty good timeline. [All laugh]

CUMFER: I'm sure there's stuff I left out.

EF: But for you as, sort of, as an activist, just kind of clarifying, so was it really - to get some sense of community and politics, when the AIDS epidemic came out, did you see - was that kind of taken as a something that was a unifying force that - you said that earlier it helped to deconstruct the gender issue that had split the community earlier. Did that serve as a bridge?

CUMFER: It would be my perception in the long run, yes. I think initially there was still a lot of learning on both sides, and I think one of the pieces for women probably initially was more along the lines of: is this really our issue? And women do get AIDS, but not in the same way or as often as men do. So there was a movement of let's have breast cancer awareness, why are we are just on AIDS awareness. So that's fine, I think a little of it was a reaction to -.

But then the epidemic was so awful. I mean, everyone knew people who were dying and it was so senseless and the government's response was so, you know, awful, that I think more and more people got involved and actually working for it. More and more women, that is to say, got involved and working for it, because it was just terrible.

When I went to the conference in San Francisco, I remember this one in 1988 where the lawyers were finally getting together, Roberta Achtenberg spoke at that, she

said, “You know, when I went to law school (and I bet a lot of you did too) we thought we’d come out and impact litigations or that. I don’t think any of us thought we would be doing estate and probate work; not this early.” But, of course, everybody was doing a lot of it. It was truly sad.

So I just think that it’s just the depth of how awful it was that, yeah, more women got involved in AIDS work and probably men got more used to the idea that [Laughs] women are equals. That, and – so, I think that certainly started the process. I think that what really cemented it, was the ballot measures. But I think that had a lot to do with, let’s all get over this gender stuff [Laughs] and work together. I’m sure it’s still issues and maybe some people would disagree with me about that. I’m sure it’s still somewhat of an issue for some people, but not like it used to be. There’s nothing like an enemy, whether it’s a disease or an indifferent government or the O.C.A., [Laughs] to kind of make you go, oh, we have a lot more in common than we thought about. It’d be interesting to ask that question to other people, too.

One of the other issues that we struggled with was, we really haven’t be as successful has been race, I think. That’s always been a big issue from the beginning. I can remember people talking about that in the early 1970s, but it’s – so, there’s probably been some progress, but I think that’s probably been the issue that has been the toughest for everybody. You say has it really been bridged, I’m not sure if you ask people in communities of color if they feel like it’s been bridged, if they would say yes. I think they might not. They might say it’s been kind of incomplete.

EF: Any final questions or any final comments for the transcription?

CUMFER: [Laughs] I don’t think so.

EF: ‘Cause I think it’s done.

TA: No, thank you very much and thank you for talking to us today.

CUMFER: Well, yeah. I'm glad you came. I really appreciate you doing this.

TA: What we'll do is, we'll transcribe it. Probably by Tuesday, it'll be done. We'll send you a copy of it, so you can see it and proofread it. And we'll definitely change the names of the people that you spoke of.

CUMFER: Oh, okay. Or you could get their permission too, if you want. Do you want me to ask [REDACTED] if you can use her name? She'll probably – as long as it's not her last name, she probably won't care. I mean, people will know who it is, but lots of people know who she is.

So, how did you all get interested? Are we off the tape yet?

[End of Interview]

## Keywords

Keywords:

Multnomah county courts

Lesbian adoption

Mattachine Society

Portland women's community

Darcelle

Women's resource center

The Ladder

Community Law Project

Katharine English

Multnomah County Family Service

Donor insemination

Lesbian Rights Project

OCA

Oregon Gay and Lesbian Law Association (OGALLA)

Measure 8

Metropolitan Community Church (MCC)

Portland Town Council (PTC)

AIDS epidemic