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ACLU FILES SUIT TO CHALLENGE OREGON'S BAN ON MARRIAGE FOR SAME-SEX COUPLES

December 19, 2013 - Eugene, OR – The American Civil Liberties Union, the ACLU of Oregon, and volunteer counsel from the law firms of Johnson, Johnson & Schaller, PC and Perkins Coie, LLP filed a [federal lawsuit](#) today in U.S. District Court in Eugene on behalf of two same-sex couples who wish to marry in Oregon and Basic Rights Education Fund.



The lawsuit alleges that Oregon's constitutional ban on marriage for lesbian and gay couples—Measure 36—violates the U.S. Constitution.

In October, attorneys Lake Perriguet and Lea Ann Easton filed a separate suit, *Geiger v. Kitzhaber*, in U.S. District Court in Eugene that also seeks to overturn Measure 36. The state recently filed its initial response in that case, but no hearing has been scheduled. The ACLU attorneys will soon request to have the two cases consolidated so they can be heard jointly by the court. The ACLU's attorneys plan to work collaboratively with the attorneys from the first case and bring the issues before the court expeditiously.

Basic Rights Education Fund and the ACLU of Oregon are committed to winning the freedom to marry for all loving, committed couples in Oregon. Both organizations have been working toward this goal for more than a decade, in the legislature, the courts and the public arena. There is currently an initiative campaign underway to ask Oregon voters to replace the state marriage ban with the freedom to marry in November 2014. This lawsuit, which reinforces the suit filed in October, is a parallel effort to secure marriage equality in Oregon for same-sex couples.

"We are committed to working in every way possible to bring the freedom to marry to Oregon in 2014," says Vanessa Usui, board chair of Basic Rights Education Fund. "Working simultaneously on a ballot measure campaign, as well as in court, is the best way to ensure that all loving, committed same-sex couples are free to marry in Oregon by this time next year."

This lawsuit follows a series of recent decisions that recognize the legal harms that occur when couples are denied the ability to marry or recognition for their marriages. These include the ACLU's victory in June before the U.S. Supreme Court in *U.S. v. Windsor*, which held that the federal government must recognize the marriages of lesbian and gay couples who are married under state law, and the Oregon Attorney General's opinion issued in October that the state of Oregon must recognize the legal marriages of same-sex couples performed out-of-state.

"Since the Oregon Attorney General recently concluded that it is unconstitutional for Oregon to refuse to recognize valid out-of-state marriages of same-sex couples, we think the time is right for the court to decide that the state must also allow couples who reside in Oregon to marry here," says David Fidanque, ACLU of Oregon Executive Director.

"The past few years have seen enormous progress as more and more Americans agree that committed same-sex couples should have the same protections and dignity that only come with marriage," says Rose Saxe, senior staff attorney with the ACLU Lesbian Gay Bisexual and Transgender Project. "This lawsuit is another step to ensuring that all loving couples have the freedom to marry."

[The plaintiff couples in the case are Paul Rummell and Ben West, and Lisa Chickadonz and Christine Tanner.](#)

"We have been together for nearly 30 years. We have raised two wonderful children, are involved in our church community and are respected in our work. We have done everything we can to legally protect our family and each other," Chickadonz says. "I was raised in a culture where marriage was a very important milestone. When you were lucky enough to fall in love with someone, you got married. I have loved Chris for half of my life and I want to marry her. It's as simple as that."

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Plaintiffs West and Rummell have been together for seven years. Early in their relationship, they discovered their mutual goal to be fathers and together they took the steps and training necessary to become foster parents. Their lives were changed when a young boy was placed in their care.

“We have been able to help our foster son grow and develop beyond the trauma of his early life and we will do everything to protect him. Soon the adoption process will be complete and we will officially be his dads,” West says. “Our son deserves to have a family that is fully recognized and protected by the state of Oregon. I never want our son to feel that his forever-family is less worthy than any other family. When Paul and I can say we are married, everyone will know and understand we are a family.”

The ACLU volunteer cooperating attorneys in the case are Jennifer Middleton, of Johnson, Johnson & Schaller PC, Thomas Johnson, Julia Markley, Kristina Holm and Misha Isaak, of Perkins Coie LLP, as well as Rose Saxe and Amanda Goad, of the ACLU Foundation LGBT Project, and Kevin Diaz, of the ACLU Foundation of Oregon.