

FOR IMMEDIATE RELEASE  
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## **ACLU to Sue State Officials Over Same-Sex Marriages**

PORTLAND, Ore. – The American Civil Liberties Union announced Friday that it will file suit next Wednesday (March 24) against state officials to require the state to recognize the right of same-sex couples to marry in Oregon.

Oregon ACLU Executive Director David J. Fidanque said the lawsuit would seek a declaration that any state law which excludes same-sex couples from the definition of marriage is unconstitutional. He said the new lawsuit is necessary in order to ensure that the important constitutional issues involved are decided by the courts.

“Everyone connected with these cases agrees it is essential to have the courts determine the constitutionality of Oregon’s marriage law,” Fidanque said. “We expect our lawsuit to be the case that determines that issue.”

Fidanque said the existing lawsuits filed by opponents of same-sex marriage have focused on the authority of Multnomah and Benton counties to issue marriage licenses to same-sex couples.

“If those cases were to move forward, the important constitutional issues probably wouldn’t be reached,” Fidanque said. “We expect our lawsuit to be the one that resolves the issue of whether the Oregon marriage law violates the Oregon Bill of Rights by discriminating against same-sex couples because of their gender and sexual orientation.”

Roey Thorpe, Executive Director of Basic Rights Oregon, said that ACLU and BRO continue to be confident about the legal issues involved.

“Oregon’s Constitution is clear that this type of discrimination is prohibited,” Thorpe said. “Same-sex couples should not be discriminated against in marriage and need to protect their families just like all other families.”

(More)

Fidanque said that attorneys representing parties to the current lawsuits in Multnomah County and the Oregon Attorney General's office met this week and agreed on an expedited briefing schedule for the new lawsuit which will be assigned to Multnomah County Circuit Court Judge Frank Bearden:

- The ACLU plaintiffs will file their complaint against state officials on March 24;
- ACLU and the State will not oppose intervention in the case by Multnomah County and the Defense of Marriage Coalition;
- Once the Court grants the motions to intervene, the Defense of Marriage Coalition will dismiss without prejudice their existing cases in Multnomah County;
- All of the written briefs on the constitutional issues will be filed with the circuit court no later than April 14;
- Judge Bearden will hold a hearing on the constitutional issue on or about April 16.

Fidanque said that Ken Choe, staff attorney for the National ACLU Lesbian and Gay Rights Project, and ACLU of Oregon cooperating attorney Lynn Nakamoto of Markowitz, Herbold, Glade & Mehlhaf of Portland will be filing the ACLU lawsuit on behalf of a number of same-sex couples who have been denied marriage licenses, who want to obtain a license in the future, or who have already obtained a license. Basic Rights Oregon and the ACLU of Oregon will also be plaintiffs in the lawsuit.

The ACLU of Oregon and Basic Rights Oregon had asked Multnomah County to change its policy and grant licenses to same sex couples. The County issued its first licenses to same sex couples on March 3. Benton County plans to begin issuing licenses on March 24. A separate lawsuit filed there by the Defense of Marriage Coalition is scheduled for a hearing on Tuesday. Fidanque said that ACLU is also planning to intervene in that suit in support of Benton County.

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