



# ACLU

# OREGON

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AMERICAN CIVIL LIBERTIES UNION  
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## ACLU OF OREGON AND THE CIVIL RIGHTS OF LESBIAN & GAY OREGONIANS

### LITIGATION:

Cases in which ACLU has brought lawsuits, has provided legal assistance, or has filed friend of the court briefs to further the civil rights of lesbian and gay Oregonians.

2004 Li & Kennedy v. State of Oregon (2004) ACLU filed suit against the State of Oregon on behalf of nine same-sex couples, challenging the Oregon marriage statute that discriminates against same-sex couples by denying them marriage and the rights and protections that come with it. The Oregon Supreme Court invalidated the 3000 marriages performed last year with same-sex couples, but did not reach the issue of whether civil unions are required under the Oregon Bill of Rights.

2000 OCA Student Protection Acts (2000) ACLU filed multiple full-text challenges to the OCA's Student Protection Acts. The Oregon Court of Appeals ruled in favor of the ACLU. The case is pending in the Oregon Supreme Court. The OCA was ordered to stop collecting signatures on these acts.

1998 Sims v. Besaw's Café (1998). ACLU filed a friend of the court brief in support of Sims, who sued because of discrimination based on sexual orientation, which violated Portland's anti-discrimination ordinance. **MAJOR VICTORY.** The Court of Appeals ruled that **Portland did have the right to enact such an ordinance and that private parties in Portland must abide by the ordinance.**

1995 OCA Anti-Gay Initiatives ACLU filed ballot title and pre-election challenges to 8 OCA-proposed constitutional amendments targeted for the November 1996 ballot. We have filed several such challenges to local OCA measures around the state.

1995 Mabon v. State of OR, et al ACLU successfully intervened on behalf of several state representatives in three suits challenging the constitutionality of HB 3500, which prohibits local measures that "singles out citizens or groups of citizens on account of sexual orientation." HB 3500 was found to be valid and constitutional.

1993-1994 OCA Anti-Gay Initiatives ACLU brings 20+ pre-election and post-election legal challenges to the OCA's local "baby 9" anti-gay measures and their "Son of 9" statewide measure.

1993 Tanner et al v. OHSU et al ACLU filed a friend of the court brief on behalf of three couples who claimed the state discriminated against them by denying domestic partners the health benefits they provide for spouses of married employees. **MAJOR VICTORY.** In 1998, the Oregon Court of Appeals ruled that the Oregon Bill of Rights requires public employers to extend the same benefits to domestic same sex partners of employees as are extended to spouses of employees.

1993 Morrison v. City of Gresham Fire Dept. Morrison is a firefighter with the Gresham Fire Dept who was witnessed by some colleagues attending a No on 9 march. Morrison was harassed and shunned by colleagues who feared he was gay. He was unfairly charged with making a series of mistakes on the job and was taken off driver "rotation" -- a career-threatening blot on his record. **With our help, the fire department**



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**restored him to his duties, discarded a negative performance report, transferred him to another fire station, reprimanded the firefighter who led the attacks, and adopted a new discrimination and harassment policy.**

1989 Merrick v. Board of Higher Educ. Challenge to the constitutionality and validity of Measure 8. (passed 1988). Measure repealed governor's executive order and made new law that prohibits government officials from forbidding discrimination based on sexual orientation. **MAJOR VICTORY. The Oregon Court of Appeals declared Measure 8 invalid and in violation of state employees' free speech rights under Article I, Section 8 of Oregon Constitution.**

1979 Ashling v. Ashling Successfully represented divorced lesbian to contest a restriction placed on her visitation rights with her children. Restriction prohibited her from bringing her children into contact with any other lesbian when the children were visiting her including her lover at the time.

1976 Weaver and Littman v. School District 4J School officials would not allow student newspaper to run an advertisement for a gay student group that wanted to advertise a meeting.

1973 Burton v. Cascade School Dist. Represented a teacher who was dismissed for immorality because she came out as a lesbian. The law was ruled unconstitutionally vague. However, the judge also ruled she did not have to be reinstated.

**OTHER ACLU LITIGATION:** 1993 Marchant et v. City of Springfield; 1991 Carney & O'Scannell v. Central Point School Dist et al; 1991-1992 Challenges to "Abnormal Behaviors" Initiatives; 1988 Challenges to "No Special Rights" Ballot Measure; 1982 Landre v. Watson.

## LEGISLATION:

A brief chronology of the struggles to secure civil rights for LGBT Oregonians in the Legislature.

1973 - **First lesbian & gay civil rights bill introduced.** ACLU lobbied for this bill and the every bill introduced in subsequent sessions.

1975 - HB 2288 (to prohibit discrimination in public employment) failed in House.

1977 - SB 603 (omnibus) tabled. HB 3310 (state employment) died in committee.  
**City of Eugene passes gay and lesbian rights ordinance.**

1978 - **Eugene voters repeal gay rights ordinance.**

1979 - HB 2424 (omnibus), SB 659 (employment), SB 660 (public accommodations), SB 658 (real property) and SB 599 (state employment) all tabled.

1981 - HB 2669 (employment) tabled.

1983 - SB 319 (omnibus) failed 13-17. SB 435 (employment), died.



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- 1985 - SB 896 (state employment) died in committee.
- 1986 - **ACLU of Oregon establishes Commission on Gay & Lesbian Rights.**
- 1987 - **ACLU leads lobbying effort on HB 2325, omnibus civil rights bill.**
- 1987 - ACLU lobbied Governor Goldschmidt for **Executive Order** prohibiting sexual orientation discrimination in the state Executive Department and helped draft the Executive Order.
- 1988 - ACLU opposes Ballot Measure 8 to **repeal the Executive Order**. Measure 8 won. Measure 8 overturned by ACLU case Merrick v. Board of Higher Education (1989).
- 1989 - ACLU helped to amend intimidation statute to **include sexual orientation** (HB 2784). Successfully lobbied for a **Hate Crimes Reporting Act** (SB 606), including acts based on sexual orientation prejudice. HB 3211, to **prohibit homosexuals from being foster parents**, died in committee.
- 1990/91 ACLU part of coalition to write and pass Portland's **civil rights ordinance**, prohibiting discrimination based on sexual orientation.
- 1991 - **SB 708 (omnibus bill) passed Senate** 19-11, died in House Judiciary committee.
- 1991/92 ACLU helped campaign against OCA's "**Abnormal Behaviors Initiatives, Measure 9, failed.**
- 1992 - Corvallis City Council passes ordinance **prohibiting discrimination** on the basis of sexual orientation.
- 1993 - Ashland passes ordinance **prohibiting housing discrimination** on the basis of sexual orientation.
- SB 34** - Passed to full Senate **HB 3500** passes House to stop local anti-gay measures. ACLU unsuccessful in passing **SB 811**, (employment discrimination)
- 1993/94 - ACLU worked extensively with the **No on 13 Campaign. Measure 13 failed.**
- 1995 - ACLU introduced **SJR 39, the Fundamental Rights Initiative**, which would have made it impossible for the basic rights of individuals to be taken away by the initiative process. Died in committee.
- 1997- ACLU supported **HB 2734, the Employment Non-Discrimination Act**, which would have banned discrimination in employment based on actual or perceived sexual orientation.
- 1999- ACLU successfully lobbied against **HJR 29** and **HJR 4** (to amend the Constitution to define marriage as between a man and a woman). HJR 29 would have also prevented benefits to same sex couples.
- 2000- ACLU active in the **No on 9 Campaign** against OCA's Student Protection Act. Measure 9 failed.
- 2004- ACLU active in the **No on 36 Campaign**. Measure 36 passed.



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- 2005- ACLU is actively lobbying for **SB 1000**, a bill that would outlaw discrimination based on sexual orientation or gender identity and create civil unions that would provide same-sex couples all of the benefits afforded to married couples.
- 2005- ACLU opposes **HB 3476**, the Reciprocal Beneficiaries Bill, as a substitute for civil unions. HB 3476 is a watered-down version of SB 1000 which would not recognize civil unions and provide only a handful of the rights and protections afforded by marriage that SB 1000 is seeking.
- 2007- ACLU supports Senate Bill 2, a bill that outlaws discrimination based on sexual orientation or gender identity, and House Bill 2007, a bill that creates domestic partnerships and provides same-sex couples benefits afforded to married couples. Gov. Ted Kulongoski signs both bills into law on May 9, 2007. The laws are schedule to take effect January 1, 2008.