



Press Release

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ACLU Appeals Same-Sex Domestic Partnership Case to Montana Supreme Court

Partnerships are necessary to uphold Montana Constitution's right to fair treatment for all

HELENA, MT — The American Civil Liberties Union today appealed a Montana District Court decision dismissing the same-sex domestic partnership case, *Donaldson and Guggenheim v. State of Montana*, to the Montana Supreme Court.

The Montana Constitution guarantees that all people, including gay and lesbian couples, should be treated equally and fairly, the ACLU said. This case presents fundamental issues of privacy and equal protection that need to be resolved by Montana's highest court.

"The couples we represent knew there might be some bumps along the way, but they are committed to seeing this case through so that they and all same-sex couples and their families can get the protections they need but are currently denied to them in Montana," said ACLU of Montana Legal Director Betsy Griffing. "Our constitution requires that the state treat couples in committed relationships fairly and equally regardless of whether they are same-sex or different-sex couples."

A recent poll, conducted by Greenberg Quinlan Rosner Research for the American Civil Liberties Union, found that 53 percent of Montana voters favor allowing gay and lesbian couples to enter into domestic partnerships which include the same rights given to married couples. Only 40 percent oppose such partnerships.

The poll shows that Montanans understand that the lack of legal recognition of same-sex relationships leaves couples and their families extremely vulnerable -- which is precisely what the evidence presented to the district court showed. One plaintiff was denied bereavement leave when her partner's father died, and another lost her home because she was ineligible for worker's compensation death benefits when her partner was killed in an accident.

Recently released 2010 U.S. Census numbers show 2,295 Montana same-sex households -- a 54 percent jump since 2000. All are at risk without the legal protection of domestic partnerships.

"Right now gay and lesbian people can be kept from their partners in hospitals, denied medical leave to help their partners and even be left with nothing if those partners die without valid wills," said Griffing. "This case is about treating people fairly and humanely, and allowing them to protect their family and loved ones."

Plaintiffs in the case *Donaldson and Guggenheim v. State of Montana* are Mary Anne Guggenheim and Jan Donaldson of Helena, Stacey Haugland and Mary Leslie of Bozeman, Mike Long and Rich Parker of Bozeman, MJ Williams and Nancy Owens of Basin, Rick Wagner and Gary Stallings of Butte and Denise Boettcher and Kellie Gibson of Laurel.

In addition to Griffing, the couples are represented by Elizabeth Gill, a staff attorney with the ACLU Lesbian, Gay, Bisexual and Transgender Project; James Goetz and Ben Alke of the Bozeman, MT, law firm Goetz, Gallik & Baldwin P.C.; and Ruth Borenstein and Neil Perry of the law firm Morrison & Foerster LLP.

Additional information about the case, biographies of the plaintiffs and links to videos of the plaintiffs can be found at www.aclumontana.org and www.aclu.org/mtpartnerships.

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