



## ACLU-PA, ACLU and Hangley Aronchick Seek Freedom to Marry for Pennsylvania Couples

### ACLU Also Announces Marriage Lawsuits in Virginia and North Carolina

FOR IMMEDIATE RELEASE

July 8, 2013

HARRISBURG, PA - The American Civil Liberties Union of Pennsylvania, the American Civil Liberties Union, and volunteer counsel from the law firm of Hangley Aronchick Segal Pudlin & Schiller filed a federal lawsuit today on behalf of 21 Pennsylvanians who wish to marry in Pennsylvania or want the commonwealth to recognize their out-of-state marriages.

The lawsuit alleges that Pennsylvania's Defense of Marriage Act and refusal to marry lesbian and gay couples or recognize their out-of-state marriages violates the fundamental right to marry as well as the Equal Protection Clause of the Fourteenth Amendment. This lawsuit comes in the wake of the ACLU's victory before the U.S. Supreme Court in *U.S. v. Windsor*, which requires federal recognition for lesbian and gay couples who are married in their home states. Plaintiffs argue that the court should closely scrutinize this discriminatory treatment because the state's Defense of Marriage Act burdens the fundamental right to marry and because it discriminates based on sex and sexual orientation.

"We only want what every married couple wants - to express our love and commitment in front of friends and family and the security and protections that only marriage provides," said plaintiff Deb Whitewood, who has been together with her spouse Susan Whitewood for 22 years. "Our life is built around our relationship and the family we have made."

The plaintiffs include 10 couples, two minor children of those couples, and one widow who recently lost her partner of 29 years. The lead plaintiffs in the lawsuit are Deb and Susan Whitewood of Bridgeville in Allegheny County, along with their teenage daughters, Abbey and Katie. Their family also includes two-year-old Landon, who was placed in foster care with Deb and Susan by the Allegheny County Department of Children and Youth Services when he was 11 months old and later was adopted by the couple. Deb and Susan have lived together in a committed relationship for 22 years. They are devout Christians and their family is actively involved in the Christ United Methodist Church of Bethel Park.

In 1993, Deb and Susan had a holy union ceremony at the church they attended at the time, after which they both changed their last names to Whitewood, a combination of their surnames. In 2001, they entered into a civil union in Vermont. Despite their demonstrated commitment to each other, Pennsylvania law treats them as legal strangers, and they know that they and their family do not have the security or the dignity of a legally recognized marriage.

"As the cradle of American liberty, it is shameful that Pennsylvania denies some families the dignity and respect that can only come with marriage," said Reggie Shuford, executive director of the ACLU of Pennsylvania. "It's wrong that the state where these couples live, work, and raise families treats them as second-class couples."

In addition to the Whitewoods, the Pennsylvania plaintiffs include Dawn Plummer and Diana Polson (Pittsburgh), Fernando Chang-Muy and Len Rieser (Philadelphia), Angela Gillem and Gail Lloyd (Philadelphia), Fredia and Lynn Hurdle (Pittsburgh), and Ron Gebhardtshauer and Greg Wright (State College), who are lesbian and gay couples in committed relationships who wish to be legally married and to give one another the security and protections that only marriage provides.

Additional Pennsylvania plaintiffs Edwin Hill and David Palmer (Bangor, Northampton County), Helena Miller and Dara Raspberry (Philadelphia), Heather and Kath Poehler (Downingtown, Chester County), and Maria Cattermole and Julia Lobur (Harrisburg) are already married, having wed in other states, but are treated as legal strangers in their home state. Plaintiff Maureen Hennessey (Philadelphia) is a widow who lost her spouse after 29 years together. Because her spouse was a woman, their marriage is not recognized by the commonwealth of Pennsylvania, and she is not provided the protections afforded to widows under state law.

"The couples in this lawsuit are united by love, family and commitment, which are the cornerstones of marriage. They are married in every sense of the word - except one - under Pennsylvania's law. Today's suit seeks to give

7/20/13 ACLU-PA, ACLU and Hengley Aronchick Seek Freedom to Marry for Pennsylvania Couples - American Civil Liberties Union of Pennsylvania are married in every sense of the word, except one - under Pennsylvania law. Today's suit seeks to give Pennsylvania's same-sex couples the freedom to marry," said Witold Walczak, ACLU of Pennsylvania's legal director and one of the attorneys representing the plaintiffs.

The plaintiffs come from across the commonwealth and from all walks of life. They include an emergency room doctor, a nurse, a teacher, university professors, a truck driver, an executive at BNY Mellon, a psychologist, retirees, lawyers, a dog trainer, state employees, an artist, a stay-at-home mom, and veterans. The plaintiffs reflect Pennsylvania's rich diversity; they are African-American, Caucasian, Latino, and Asian; they are Methodist, Baptist, Catholic, Quaker, Jewish, Buddhist, and secular. Many have been together for decades, and some are raising children together. The situations faced by these couples are similar to those faced by the thousands of same-sex couples in Pennsylvania who are being denied the basic rights that are afforded by marriage.

"We believe that this law cannot stand under any level of scrutiny because excluding same-sex couples from marriage does not further any legitimate government interest. It serves only to insult and hurt lesbian and gay couples and their families," said Mark Aronchick of Hengley Aronchick Segal Pudlin & Schiller. "We have filed this case today because these families deserve the security of knowing that, in times of crisis, their loved ones will be protected and provided for."

The ACLU also announced today that it will amend an existing adoption lawsuit in North Carolina in the coming days to also seek the freedom to marry and will file a marriage lawsuit in Virginia as co-counsel with Lambda Legal in the coming weeks as well.

"In the past few years, we have seen an astonishing and welcome shift toward Americans embracing the idea that married same-sex couples and those who wish to marry should not be regarded as less than any other family," said Leslie Cooper of the ACLU Lesbian Gay Bisexual and Transgender Project. "Whether it's through litigation, through the legislature, or at the ballot box, we will continue to work to broaden the number of states where same-sex couples can marry."

The original North Carolina case was filed last year on behalf of six same-sex couples seeking the right to obtain second-parent adoptions for their children. If partners are allowed to marry, one parent would be able to adopt the other spouse's child. The amended complaint will seek the freedom to marry as well as second-parent adoptions.

More information on the North Carolina case, including plaintiff bios, can be found here: <http://www.aclu.org/second-parent-adoption-NC>

Today's case is *Whitewood v. Corbett* and is filed in the United States District Court for the Middle District of Pennsylvania. Lawyers involved in the case include Walczak, Mary Catherine Roper, and Molly Tack-Hooper of the ACLU of Pennsylvania; James Esseks and Cooper of the ACLU Lesbian Gay Bisexual and Transgender Project; Aronchick, John S. Stapleton, Dylan J. Steinberg, and Rebecca S. Melley of Hengley Aronchick Segal Pudlin & Schiller; and Seth Kreimer of the University of Pennsylvania Law School.

Full information about today's case, including profiles of the plaintiffs and a video of Hennessey and her late spouse, can be found at: [www.adupa.org/whitewood](http://www.adupa.org/whitewood)

###

© 1997-2013 American Civil Liberties Union of Pennsylvania  
P.O. Box 40008, Philadelphia, PA 19106  
215-592-1513  
[info@aclupa.org](mailto:info@aclupa.org) - <http://www.adupa.org>

Visit us at..







