



The Sky's Still Here.

Civil Unions Bring Benefits But the Battle Is Not Over

By SUSAN MURRAY &
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Vermont's landmark civil union law has been in place for two years now, and the sky still hasn't fallen. The sun continues to rise in the East and set in the West, and, although the earthquake was a little freaky, we seem to have avoided any major natural disasters of epic proportions. So how is the law working, and what lies ahead?

3,500 Families

The most obvious beneficiaries have been the families of the nearly 3,500 couples who have joined in civil union. Many of these couples now enjoy the full range of legal protections available to married heterosexual couples in Vermont. Couples have found their joint auto and homeowners' insurance rates going down, more ready access to health insurance, and the peace of mind knowing that, if one partner dies without a will or becomes incapacitated, the other partner is protected by law. Couples bringing children into their families have found the adoption process more user-friendly, as they now stand in the same shoes as married couples. The handful of couples who have split up have had access to a court process designed to protect either party from being unduly taken advantage of in connection with the breakup. The list goes on and on.

These couples have also experienced legal and public recognition of their committed relationships – an acknowledgment which, for many of these couples, has been profoundly important, sometimes surprisingly so.

In short, while the civil union law has taken nothing away from other families, it has provided meaningful protections for a large

number of families who were previously ignored by our laws.

benefits similar to what the civil union law now provides? The opposition desperately wanted to eliminate the message of inclusion and respect that is currently woven into the civil union law. This message touches the lives of every Vermonter, gay or straight, ally or homophobe, and serves as a powerful beacon of justice across the country and around the world.

No Major Glitches

Although detractors predicted a parade of horrors, the law is working just fine. The Civil Union Review Commission, in its January 2002 report, concluded that the law "has brought no material adverse impacts on state government, on Vermonters, on the Vermont economy or the state generally." The various state agencies who needed to adapt their practices to include civil union spouses have done so, insurance companies have developed appropriate civil union riders to their Vermont policies, businesses have adapted to recognize employees' civil union spouses, and the family courts have absorbed the negligible additional activity without difficulty.

Some Snafus

There have been bumps in the road, the biggest one being in the area of employer-provided health insurance. In dispute is whether private employers have to buy policies that include coverage for civil union spouses, if they want to buy a policy that covers the spouses of married couples. At issue is the extent to which a federal law trumps state law.

Fair and cautious employers are already providing civil union spousal coverage. Not only is it the right thing to do, but most employers don't relish the thought of being sued on the issue. Some employers are still holding out. If you work for one of these employers, please give us a call at (802) 388-6356.

The only other note-worthy snafu we have seen in the last couple of years involves taxes. As OITM has reported, there has been some confusion regarding how the tax department will treat civil union spouses for purposes of filing income tax returns, but this now seems to have been straightened out.

Out-of-State Couples

We've heard lots of stories from couples who have received various benefits – family health club memberships, zoo passes, and museum memberships – from organizations that previously were not providing these perks to same-sex couples. We've heard from couples who have

obtained health insurance, spousal disability insurance, and other benefits from their employers on the basis of their Vermont civil unions. We have even heard of folks who have gotten a married couples' discount from another state's agency because of their civil union.

On the other hand, we are also hearing from people around the country who aren't getting such benefits. The only court to consider the matter decided not to treat a civil union as a marriage for purposes of allowing a lesbian to have overnight visits with her children while living with her civil union spouse. We can expect to see more stories cropping up in the coming years.

Progress in Other States

Perhaps more important than how other states are dealing with civil unions is how other states are beginning to look at same-sex couples under their own laws. Activists in California persuaded their legislature to pass a domestic partnership law providing the broadest package of protections available to same-sex couples anywhere outside of Vermont. Committed activists in Connecticut have worked hard to pass a domestic partnership law with modest protections and an official state commitment to study the issues of marriage and civil union for same-sex couples. And, represented by the *Baker v. State* co-counsel Gay and Lesbian Advocate Defenders, a group of couples in Massachusetts has challenged Massachusetts' discrimination in marriage.

A Tough Road Ahead

It's tempting to get complacent. The civil union issue no longer dominates the headlines; most Vermonters, regardless of how they feel about civil unions, are ready to move on and deal with other issues; and Rev. Stertzbach, in attacking even the most anti-gay conservative

lieutenant governor's race and the governor's race are both wide-open, three- and four-way races. If no candidate wins more than 50 percent of the vote in one of those races, the incoming legislature gets to vote to fill that seat!!

That's a scary prospect. Republican gubernatorial candidate Jim Douglas is on record in support of the House-passed bill that would have repealed civil unions, and the Republican candidate for lieutenant governor campaigned previously on an anti-civil union platform. If the legislature gets to vote on who our next Governor and Lieutenant Governor will be, we're likely to end up with an anti-civil union governor and lieutenant governor!

That's why we need to work extra hard to support ally Doug Racine for the governor's race, to win back every seat we can in the House and hold onto or build our pro-civil union margin in the Senate, and to ensure that the lieutenant governor's office does not fall into unfriendly hands.

It does not matter whether civil unions is the issue that unseats our allies, or whether they are defeated for reasons having nothing to do with their support for us; if we lose them, the civil union law is vulnerable to repeal.

Nor is the political potency of the civil union issue dead. Anti-civil union extremist Rev. Stertzbach has attributed the civil union law to the "relentless" work of "radical homosexuals," and declared that "now it is our turn to be relentless." Although he operates on the fringe, Rev. Stertzbach has the power to energize and mobilize significant constituencies in November.

Our more moderate opposition, "TIP," has said in a press release that "November" (i.e., voting) would be the more appropriate time to express dismay with legislators regarding their positions on civil

unions. In short, our opposition is not going away.

It will take hard work by everyone to ensure that the civil union law survives the November election. We hope you will consider contacting Vermonters For Civil Union, www.vtcivilunionpac.org to find out how you can help. ▼

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number of families who were previously ignored by our laws.

A Message of Respect

The civil union law has had a much bigger and broader impact than simply benefitting couples who have joined in civil union. Our laws are powerful symbols of who we are as a people. The civil union law, far more than any other law in our country, reflects a powerful message of inclusion and respect for g/l relationships. The importance of this message cannot be over-estimated; why do you think the opposition worked so hard last year in the House to pass a bill to repeal "civil unions," even while giving same-sex couples a bundle of

Republicans, seems to have marginalized himself. But the civil union law still hangs by a thread, and the toughest road lies ahead.

This may sound alarmist, but it's true. Remember, we lost our pro-civil union majority in the House in the November 2000 backlash. The present House is firmly opposed to civil unions, and passed a repeal bill last session, which died in the Senate. Our margin of support in the Senate is narrow – one or two votes, and two of them, Senators Shumlin and Little are leaving the Senate. That means that unless we take back the House, a shift of as few as one or two votes in the Senate could pave the way for repeal of civil union. The

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