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"As president of the United States, I will recognize civil unions, which will then allow full equality under the law as far the federal government is concerned," Vermont Governor Howard Dean

Dean Promises Federal Marriage Rights for Gay and Lesbian Couples



Vermont governor and presidential hopeful Howard Dean addresses the NLGJA in Philadelphia in September.

If elected president, Howard Dean would direct the federal government to recognize the marriage rights of gay and lesbian couples.

That's what Vermont's current governor told the annual convention of the National Lesbian and Gay Journalists Association in September: that he believes the federal government should formally recognize civil unions.

Vermont remains the only state that confers marriage benefits on same-sex couples.

Although the civil union law was written to be a parallel to marriage, it has no statutory equivalent anywhere in the U.S., and it so far is unique to Vermont.

In a speech to the journalists' convention that Dean delivered as he travels the country trying to build support for a presidential campaign, the governor stopped short of advocating full marriage for gay and lesbian couples.

"As president of the United States, I

will recognize civil unions, which will then allow full equality under the law as far the federal government is concerned," Dean said in response to a question from the audience.

He made a point of saying that Vermont has not passed what is commonly referred to as gay marriage, emphasizing that civil unions are a separate institution. Nonetheless, the law does confer state benefits to same-sex couples, such as state tax advantages and health care and inheritance rights that

previously had been awarded only to heterosexual married couples.

"We have full civil marriage rights (for gays and lesbians), we just don't call it marriage," Dean said.

Dean has been invited to speak by many gay and lesbian groups as he travels the country because he signed the civil unions proposal into law and also because he signed laws extending civil rights, hate crimes protection and adoption rights to gays and lesbians.

But he also has been careful to say as president he would not try to impose what many opponents describe as a gay-rights agenda on states that do not choose to adopt such laws themselves.

He said in Philadelphia, for example, that it was not the federal government's role to become involved in marriage statutes. But if individual states were to follow Vermont's lead and create what amounts to marriage contracts for same-sex couples, the federal government should recognize them, he said.

"What I am not going to do is tell every state they have to pass civil unions," he said.

If Dean's position were to be adopted by the federal government, it essentially would undo a law known as the Defense of Marriage Act. That law, passed during the Clinton administration, prohibits the federal government from recognizing marriages between any couples except one man and one woman.

It passed before enactment of civil unions and therefore does not address Vermont's law. Still, because there is no reference to civil unions in federal law, the U.S. government has not yet recognized any legal rights for couples who obtain a civil union.

Dean said as president he would not be able to undo the DOMA law without the approval of Congress. But he said he would encourage Congress to repeal it and recognize gay and lesbian relationships.

Dean also said that as president, he would allow gays and lesbians to serve openly in the U.S. military.

Federal recognition of same-sex relationships could be significant. Roughly 1,000 benefits flow to married couples from the federal government, including immigration rights, tax advantages and insurance.

The Vermont law confers more than 300 state rights and benefits on couples. ▼

St. J. Needle Exchange Gets a Reprieve, Outreach Put on Hold

In response to a challenge from the St. Johnsbury Selectboard to Vermont CARES' needle exchange permit, Health Commissioner Dr. Jan Carney gave each party something it wanted. CARES' program can still operate until Carney makes a final decision sometime this month. But it is now – perhaps temporarily – limited to exchanging needles only for currently enrolled clients at the St. Johnsbury office.

According to Amy Livingston, Program Director for Prevention at Vermont CARES, There

are currently nine clients enrolled in the St. Johnsbury needle exchange program.

"It's frustrating to have a new program that could be growing and suddenly have to stop that growth," said Livingston. "We can still offer prevention information, bleach kits and counseling, and we can dispose of dirty needles for anyone who comes in. But it puts us in an awkward position if someone [not already enrolled] were to ask for help."

The St. Johnsbury area –

Caledonia County – has the highest per-capita rate of heroin and intravenous needle use, according to data in the 2001 *Comprehensive HIV Prevention Plan* document prepared by the Vermont HIV Prevention Community Planning Group and the Vermont DoH AIDS Program and disseminated in the fall of 2001. The rate was 11.4 substance abuse treatment clients seeking help for heroin addiction per 10,000 population, and 14.8 who used needles for substance abuse. The population of Caledonia County was cited in the

report as 29,702.

In comparison, Chittenden County (population as cited: 146,571) had a heroin use rate of 9.5 per 10,000 and 10.1 for needle users.

In the meantime, Carney has recommended that Vermont CARES work harder on involving and informing the St. Johnsbury community and that the St. Johnsbury Selectboard send a delegate to the needle exchange program's Community Advisory Board meetings. At press time, CARES had scheduled meetings with the St.

Johnsbury Selectboard, and the Community Relations Committee for Northeastern Vermont Regional Hospital. A meeting had not yet been scheduled with a parents' group through the school board.

The bottom line for Vermont CARES, suggested Livingston, is always about preventing the spread of HIV/AIDS, not about judging the people who need help or denying that there's a problem. ▼

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