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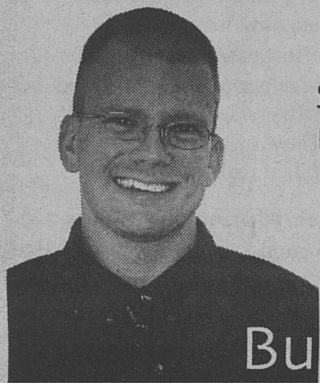


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Views: CU's Aren't Enough Part II

We all went through a lot in 2000. Many of us don't want to go back. We came out of 2000 with a new law that represented an unprecedented breakthrough for gay rights in this country. But the law also falls short of genuine equality in significant ways. Our desire not to go back to 2000, and the turmoil we experienced that year, should not stop us from looking forward to the future, and educating ourselves and others on the ways in which the civil union law falls short of the full equality it was supposed to be.

The Legal Status of Being "Married," Is a Benefit of Marriage

Like it or not, the term marriage is widely understood, not just in Vermont and Massachusetts, but around the world. By plugging into that universally understood language, it gives us all a frame of reference. We all have an understanding of what a married couple is. The word alone also establishes a set of expectations between the committed partners themselves. That simply isn't true for civil union, or any other new legal status created to avoid the use of the word marriage. You can't assume that someone in Arizona, Japan, or New Zealand has ever heard the term civil union, or has any idea what it means. The social significance of the term married is one of the significant benefits of marriage.

There are members of our community who wouldn't ever choose to adopt the social content that comes with the term marriage. Given the choice, they'd rather not plug into the centuries of history and international recognition that comes with the term. But the fact is, right now, they don't have the choice. Those in our community who value the concept of marriage, and who seek the intangible but very real social recognition that accompanies that legal status, have no way of attaining it. The state guards the gate to the legal status of married, and

laura davidson

so far, we're barred from entering.

"Separate But Equal" Cannot Be Equal

Whether we would choose the label married or not, many of us recoil at the message inherent in a set of laws that sets us apart as unworthy of full inclusion. Although there are many differences between anti-gay discrimination and the racism of the mid-20th century South, the analogies are undeniable. It wasn't until the groundbreaking 1954 U.S. Supreme Court decision in the case of *Brown v. Board of Education* that the law finally recognized that separate but equal is, by definition, unequal. The mere fact of separation stigmatized the African Americans who supposedly were included even though separated. Even if the seats in the back of the bus were functionally the same as the seats in the white-only front of the bus, we intuitively understand that isolating a group of citizens in order to avoid commingling is stigmatizing, immoral, and unconstitutional.

These principles apply as well to the marriage apartheid we're now living in Vermont. As the Massachusetts Supreme Judicial Court recently acknowledged in ruling that a civil union law like ours would be unconstitutional, The history of our nation has demonstrated that separate is seldom, if ever, equal. We're not allowed to marry because some want to protect traditional marriage, meaning heterosexuals-only marriage. The civil union law was an attempt to split the difference

between those seeking full equality, and those who reject our claim to recognition and inclusion altogether. The homophobia underlying the law isn't limited to those who openly admit to an anti-gay agenda. Many of our traditional allies in the political sphere pursued civil unions with zeal while also insisting upon our exclusion from marriage. This suggests that even many of our straight friends believe we're entitled to rights, but in the end, our love and families aren't really entitled to quite the same recognition and respect as theirs.

The civil union law is cheered by some of our community precisely because it creates a separate status, untarnished by whatever baggage they associate with marriage. But for others, our willingness to settle for a law that repeats in several places the mantra of our exclusion (the law reiterates that we cannot marry) reflects our own internalized homophobia. It suggests that we're grateful for some truly tasty scraps rather than insisting on our seat at the table. That's a message we cannot send. ▼

This is the second in a three-part series. In the first part, published last month, Sherry Corbin of the Vermont Freedom to Marry Task Force described the changes in the national landscape since Vermont's civil union law passed and called for further movement toward marriage. In the final part, to be published next month, the Task Force discusses the tangible legal disadvantages of civil unions.

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