

The group of Florida legislators wrote a letter opposing the decision in which they asked, "We wonder what Walt Disney himself would think of your decision if he were alive today?" John Dreyer, a company spokesperson, said Disney would stand by its policy, which he noted is consistent with the company's policy prohibiting sexual orientation discrimination. (Washington Blade)

In the scene with Pat Robertson

WASHINGTON, DC — If a new television campaign by Parents and Friends of Lesbians and Gays (P-FLAG) had only its dramatic scenes — a teenage girl contemplating suicide with a handgun and a young man being beaten by a gang as the attackers shout slurs — it would have been controversial enough. But because these scenes are interspersed with actual clips of the Rev. Pat Robertson and other conservatives deploring homosexuality, the campaign has drawn the wrath of Mr. Robertson's Christian Broadcasting Network, which is threatening legal action against stations that broadcast the two 30-second advertisements.

The point of the campaign, which began in mid-November, is that anti-gay rhetoric bears some relation to the assaults against homosexuals and to suicides among lesbian and gay youth. "We wanted to say, 'Wake up and join us in opposing hate speech,'" said Mitzi Henderson, P-FLAG board president.

One advertisement intersperses scenes of beating with grainy, televised images of Mr. Robertson and the Rev. Jerry Falwell. The evangelist's voices are also heard over the scenes of violence. "Homosexuality is an abomination," Mr. Robertson says. "The practices of these people is appalling ... Many of those people involved with Adolph Hitler were Satanists; many of them were homosexuals. The two things seem to go together ... It is a pathology, it is a sickness." And Mr. Falwell says, "God hates homosexuality."

CNN and several other cable companies have refused to carry the ads. (Prism Newsletter)

Gay victims of Nazis to receive reparations

NEW YORK — The Austrian Parliament has established a fund for people who were persecuted by the Nazi regime, including those punished because of their sexual orientation. According to a spokesperson at the U.S. Holocaust Memorial Museum, no other countries have granted reparations for homosexual victims of Nazi persecution.

The "National Fund of the Republic of Austria for the Victims of National Socialism" was established upon the 50th anniversary of the Second Republic of Austria in April 1995. It has been endowed with an initial contribution from the Austrian federal budget of 500 million shillings (\$50 million). The regulations governing the fund were put in place this past fall. Beneficiaries may be people who suffered Nazi persecution "out of political, racial, religious, ethnic reasons, because of their sexual orientation or their disabilities" or other reasons, or may be people who left Austria to escape the Nazis, according to information provided by the Austrian Consulate in New York.

Names and addresses are being accepted by the Austrian Consulate in New York. Write to Irith Jawetz, Austrian Consulate, 31 E. 69th St., New York, NY, 10021 or call (212) 737-6400. (Washington Blade)

Half of first gay married couple dies

COPENHAGEN — Eigil Axgil, half of the first legally married couple in the world, died on September 27 at age 71. Eigil and his lover of 46

years, Axel Axgil, were married in Copenhagen on October 1, 1989, the day Denmark became the first nation to allow gay marriage.

Ten other gay couples married the same day, but the Axgils were chosen to be first because they were pioneers of the Danish gay movement. Axel was the first person to come out publicly in Denmark. He was fired the next day from his accounting job at an auto body shop.

In a 1989 interview in Copenhagen, five minutes before he tied the knot, Eigil said, "We just never could have dreamed that we would get this far. Of course, we always hoped we would be fully accepted and have the same rights as others."

"If everyone comes out of the closet, then this will happen everywhere," Eigil said. "Be open. Come out. Keep fighting. This is the only way to move anything!" (Prism Newsletter) ▼

LEGAL BRIEFS: This month — Freedom to Marry

Susan Murray and Beth Robinson
OITM Columnists

MIDDLEBURY — The hottest topic on the gay legal scene right now is our freedom to marry. Currently, marriage between same-sex partners is not permitted anywhere in this country. Legal marriage brings with it literally hundreds of benefits and responsibilities including: automatic inheritance rights in the absence of a will, visitation privileges in hospitals and jails, spousal health insurance benefits, the ability to protect jointly owned property from either spouse's creditors, the right to sue for damages for a spouse's wrongful death, tax and social security benefits, and a legal system for sorting out the parties' finances in the event that the marriage dissolves. As we will discuss in future columns, there are things you can do to get some of the benefits and responsibilities of legal marriage in your own same-gender relationship; however, there is no way you can acquire all of these benefits without actually getting married.

As you may have heard, three same-gender (and, incidentally, interracial) couples in Hawaii have challenged the state's refusal to issue them marriage licenses. In that case (known as Baehr v. Lewin), the Hawaii Supreme Court recognized that the state's refusal amounted to discrimination on the basis of sex; the court compared the state's position to the old laws prohibiting interracial marriage, which reflected and enforced racial discrimination. Because Hawaii has an equal rights amendment which makes sex discrimination unconstitutional, the court concluded that prohibiting same-gender couples from marrying might well be unconstitutional.

The case isn't over yet. The State of Hawaii still has an opportunity to persuade its Supreme Court that its sex discrimination in this case is constitutional because the state has "a compelling state interest" to discriminate against gay couples. But the state is having a hard time coming up with a legitimate "compelling state interest" to discriminate against us. Hawaii's claim that the institution of marriage is for procreation is looking shaky: Hawaii certainly doesn't require heterosexual couples to submit fertility tests or confirm their intentions to have children before issuing them marriage licenses, and the lesbian baby boom belies the notion that same-sex couples don't have kids.

Similarly, the suggestion that recognizing our freedom to marry will hurt Hawaii's tourist industry (yes, believe it or not, that was on a list of "compelling state interests") seems to have fallen flat. (Can you imagine? If Hawaii recognized same-sex marriages, the tourist travel would eclipse Nevada, Key West, and Provincetown

combined.) And those are among the best "compelling interests" Hawaii has offered. It only gets worse from there.

So the writing is on the wall. The trial won't be until at least next summer, and the Hawaii Supreme Court isn't likely to issue a final ruling until sometime in 1997. Once that happens, all hell is going to break loose around the country. The national gay and lesbian advocacy organizations are uniformly discouraging anyone from proposing any legislation or bringing any marriage cases until after the Hawaii case is decided. The fear is that such a move might prematurely trigger an anti-gay backlash that could jeopardize our success in Hawaii, and which we, as a community, are not yet prepared to face.

Once the Hawaii decision comes down, however, the floodgates will open. Couples from Vermont and around the country will travel to Hawaii to marry and return home to test the validity of their Hawaiian marriages. Same-gender couples around the country will seek to marry at home, leading to new lawsuits directly challenging other states' limitations on who may marry. Legislatures will kick into high gear, and many will enact homophobic laws prohibiting us from marrying and denying recognition of our Hawaiian marriages. National organizations will go to court to argue that the United States Constitution requires states to recognize valid marriages from other states.

Between now and then, all of us need to join the effort to prepare for the day when the floodgates open. Leaders from all of the major national gay advocacy organizations have been meeting to develop a national strategy, and here in Vermont the Vermont Coalition for Lesbian and Gay Rights (VCLGR) has formed a task force for developing and implementing our own strategy for educating the broader community about who we are and why our freedom to marry is so important. Among other things, the Coalition's task force will be coordinating a speakers bureau to share their stories with others outside our community and will be identifying appropriate audiences for the speakers. Educating Vermont's citizenry about us and our families in less than two years is a monumental task — please contact one of us or VCLGR to sign up to join the effort.

Susan Murray and Beth Robinson are attorneys at Langrock Sperry & Wool in Middlebury, whose practices include employment issues, family matters, estate planning, personal injury and worker's compensation cases, and general civil litigation.

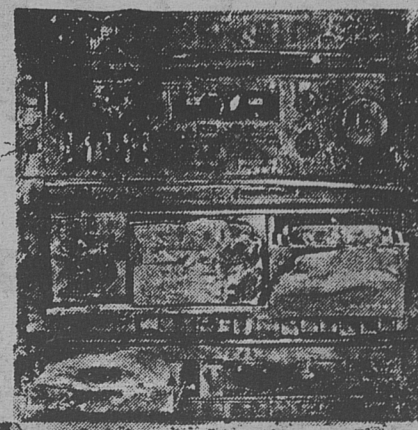
Over the coming months, this column will feature timely information about legal issues of interest to our community. We will provide information about important laws and court cases that may affect our rights, as well as practical nuts and bolts advice for protecting ourselves and our families. If you would like to see us cover a particular topic, please feel free to write OITM or call us at (802) 388-6356. ▼

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