

# Legal Briefs: Same-Gender Marriage: A Possibility for Vermont?

by Susan Murray and Beth Robinson

Can same-gender marriage become a reality for Vermonters? The answer depends on how well we tell our stories in the coming months. The battle will be won or lost in the discussions each of us is willing to have with straight Vermonters — our co-workers and neighbors and the people with whom we worship.

In May of 1993, the Hawai'i Supreme Court ruled that it was sex discrimination to refuse to grant marriage licenses to same-sex couples. Since then, Hawai'i has unsuccessfully tried to justify its discrimination in court; the case is now going to the Hawai'i Supreme Court one more time, with a decision expected by mid-1998.

All this activity in the Aloha state has prompted a vigorous assault against us in other states and in Washington, D.C. Congress passed the disgraceful Defense of Marriage Act (DOMA), which defines marriage as a union between one man and one woman for federal purposes such as taxes and social security benefits and immigration laws. Seventeen states have passed laws like DOMA, and similar bills are pending in other states.

Vermont is not exempt from this effort. In late January, a bill was introduced in the Vermont House by Representatives Sheltra of Derby, Brunelle of Winooski, Clark of St. Johnsbury, Helm of Castleton, Hoag of Woodford and Robb of Swanton. This bill (H.182) would forbid partners of the same gender from marrying one another in Vermont, and would also refuse to recognize same-gender marriages performed in other states such as Hawai'i. The best way to defeat this bill is to educate ourselves and our non-gay neighbors about the tremendous social, legal, and economic benefits couples receive when they marry.

How many of you have purchased a house on your own, then tried to put your partner's name on the house, only to discover that you had to pay another property transfer tax? If you were legally married, you would not have to pay this tax, which can cost many hundreds of dollars.

Have any of you ever cared for a sick partner, and been denied the right to participate in decisions about your partner's medical care? Were you denied access to your partner's hospital room? How many of you were forced to leave your home upon the death of your partner, because his or her blood family inherited the house and asked you to leave? None of this would have happened if you were married.

Unless your employer is generous and progressive, you probably don't have the ability to put your

partner on your health insurance plan at work — and if you do, you'll be charged income for the value of the premiums paid to cover your partner. If you were legally married, you would automatically be able to put your spouse on the plan, and there would be no taxable income to you.

Have any of you been denied the right to take time off from work to care for your sick partner or your partner's child? Without marriage, your employer does not have to give you that time off. Similarly, if your company offers a pension that will pay you a set monthly amount after you retire, your partner will have no right to receive that pension after you die; in contrast, most pension plans will allow "spouses" to continue to collect the pension even after the retired employee dies.

The list of unequal treatment goes on and on: you can't file a lawsuit for the wrongful death of your long-time partner if a drunk kills him or her in a car accident; you are not eligible for various tax credits for estate planning purposes; you are not entitled to share in your partner's social security benefits upon retirement; you may not be allowed to act as your partner's guardian should he or she need one in old age.

Our non-gay neighbors need to hear these facts. They need to be educated about the realities of our lives, and the economic and spiritual hardships we suffer because we cannot marry our chosen partners. How well we tell our stories will largely determine whether Vermont becomes a state which allows gay couples to legally marry.

Do any of you have a story to tell, about how you have been discriminated against because you cannot marry? If so, we would very much like to hear them. As members of the Vermont Freedom to Marry Task Force, we are trying to gather as many stories as possible in connection with the Task Force's educational efforts. Further, if anyone is interested in learning more about the Task Force (including its terrific video, which is for sale), please contact either of us or write to the Task Force, P.O. 1312, Middlebury, VT 05753. ▼

Susan Murray and Beth Robinson are attorneys at Langrock Sperry & Wool in Middlebury and Burlington, whose practices include employment issues, family matters, estate planning, personal injury and worker's compensation cases, and general civil litigation. We hope to 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'd like to see us cover a particular topic, please feel free to write OITM or call us at 388-6356.



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### Out-Spoken

"What are the words you do not yet have? What do you need to say? What are the tyrannies you swallow day by day and attempt to make your own, until you will sicken and die of them, still in silence? Perhaps for some of you here today, I am the face of one of your fears. Because I am woman, because I am Black, because I am lesbian, because I am myself — a Black woman warrior poet doing my work — come to ask you, are you doing yours?"

-- Audre Lorde, 1977

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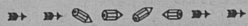
Tired of not being able to meet anyone new?  
Not into the bar scene?



Interested in joining us on March 9<sup>th</sup> from 1-4PM  
for the first (and maybe only)  
Gathering of Single Women?



Details: Organized by a couple of bored single women  
To be held at Loretta's Restaurant, Park St., Essex Jct.



PLEASE TRY TO REGISTER IN ADVANCE  
by going to Loretta's,  
giving the nice woman behind the bar \$10 &  
your name & phone number  
(in case we need to cancel this).  
(Your name & number will not be given out.)  
Fill out a numbered survey.

Take a look at the surveys already in the book.



Show up on the 9<sup>th</sup>  
&

look for your favorite numbers!  
①②③④⑤⑥⑦⑧⑨⑩

There will be hors d'oeuvres, a cash bar,  
a little music  
♪♪♪ & ♪♪♪  
a lot of fun.



And who knows what else...

♥♀♪♪♀♥