

*Out in the Mountains*  
Established in 1986

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*Out in the Mountains* (ISSN 1081-5562) is published monthly by Mountain Pride Media, Inc. The newspaper maintains offices at 109 South Winooski Avenue in Burlington, Vermont. Our mailing address is PO Box 177, Burlington VT, 05402-0177. Our e-mail address is oitm@together.net. Bulk rate postage for the mailing of the newspaper is paid in Burlington, Vermont. The subscription rate is \$20 per year within the United States.

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#### Statement of Purpose

The purpose of *Out in the Mountains* is to serve as a voice for lesbians, gay men, bisexuals, transgendered people, and our supporters in Vermont. We wish the newspaper to be a source of information, insight, and affirmation. We also see *OITM* as a vehicle for the celebration of the goodness and diversity of the lesbian, gay, bisexual, and transgendered communities here in Vermont and elsewhere.

#### Editorial Policy

We will consider for publication any material which broadens our understanding of our lifestyles and of each other. Views and opinions appearing in the paper do not necessarily represent those of the staff. This paper cannot and will not endorse any candidates or actions of public officials on issues of importance to lesbians, gay men, bisexuals, and transgendered persons.

We reserve the right not to publish any material deemed to be overtly racist, sexist, anti-Semitic, ageist, classist, xenophobic or homophobic.

Writers' guidelines are available on request. All materials submitted must include a name and contact number. However, within the pages of the newspaper, articles may appear anonymously upon request, and strict confidentiality will be observed.

Articles, letters, and artwork should be sent to us by the 15th of the month prior to the month of publication (i.e. February 15th for the March issue). We encourage and implore our readers to do what they can to make *OITM* a paper which truly represents the many voices of our communities.

Materials should be sent to:  
*Out in the Mountains*  
PO Box 177  
Burlington, Vermont  
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#### Advertising

If you would like to place an ad in *Out in the Mountains*, please contact us for rates and guidelines. Ad copy should be mailed to the address above.

## WELL, IT'S NOT EXACTLY MARRIAGE, BUT ...

The ongoing litigation in the Hawaii court system over whether same-gender couples should be allowed to legally marry has had an extraordinary effect on the Hawaiian legislature. Those elected officials have watched as the public has intensely debated the marriage issue, and as the Hawaii courts have declared that the state government has no compelling reason whatsoever to deny same-gender couples the equal right to civil marriage. At this point, the state has made one final appeal to the Hawaii Supreme Court, asking the Court to prevent such marriages, but given that court's previous ruling, it is highly unlikely that the state will be successful in its appeal.

Faced with the likelihood that the Hawaii Supreme Court will hand down a ruling within the next year officially granting same-gender couples the right to marry, members of the Hawaiian legislature who oppose same-gender marriage began scrambling to make a deal which would stop these marriages from becoming legal. They succeeded in passing a law which will require the voters of Hawaii to decide, in November of 1998, whether the Hawaii constitution should be amended to allow the legislature to forbid same-gender marriages. If this referendum passes next year, it will give the Hawaii legislature the legal authority to prohibit same-gender marriages, thereby overruling the Hawaii Supreme Court's anticipated favorable decision on the issue. The voters in Hawaii are evenly divided on this referendum, and activists expect intense public debate on both sides, with lots of rhetoric and money from the mainland, in the coming months.

Now for the good news. In order to pass this "constitutional amendment" law, the anti-gay marriage legislators (and their right-wing supporters) agreed to pass an extraordinary law called "An Act Relating to Unmarried Couples," whose explicit purpose is to "extend certain rights and benefits to two individuals who are legally prohibited from marrying." The law isn't exactly marriage (not yet, anyway), but it is historic. Why? Because it provides far more legal protections for gay couples than any prior laws anywhere in the United States. The law is even more revolutionary in that it extends many of the protections and supports of civil marriage to a wider variety of families; for instance, an aunt and nephew, or a parent and adult child, or even two people of the same gender who are just friends may all be entitled to the protections of this law.

Under this new law, which takes effect July 1, so-called "Reciprocal Beneficiaries" (or "RB"s for short) will be entitled to many of the same protections given to legally married couples. For instance, employers will have to provide health insurance

coverage for the partners of their employees as well as the partner's children. RBs will be granted hospital visitation rights and the right to obtain medical information and make medical decisions for their incapacitated partners. RBs will have funeral leave rights and government survivor's benefits, pension rights, family leave, and long-term care protections. RBs will have the same joint property rights and automatic inheritance rights as married people; will be able to file wrongful death actions if their partners are accidentally killed; will have many of the same tax benefits and exemptions as married people; and will be able to use the state's divorce laws if they break up. In fact, the law specifically adds the phrase "Reciprocal Beneficiary" wherever the word "spouse" appears in Hawaii's laws.

The passage of this sweeping law underscores the value that the "marriage" debate has had in advancing civil rights for gay people generally. When the Hawaii marriage lawsuit first became news in 1993 and launched a national debate on the issue, many people in the gay community were understandably afraid that focusing on marriage rights would undermine the fight for broad-based "domestic partnership" laws. In fact, however, the opposite has occurred; the public discussion over our right to marry has shifted the debate considerably, causing politicians to speak favorably about domestic partnership laws for the first time.

The Hawaii legislature never would have passed such an historic "RB" law if those three Hawaiian couples had not pressed their lawsuit to gain the freedom to marry. In Vermont, some middle-of-the-road politicians who never would have thought about domestic partnership issues in the past began to discuss them in the last campaign. Far from undermining the cause of gay civil rights, the marriage lawsuit, and the public debate it has engendered, have in fact helped to advance our cause for equality and justice. It's not marriage yet, but . . . it is big news.

*Susan Murray and Beth Robinson are attorneys at Langrock Sperry & Wool in Middlebury, Vermont whose practices include employment issues, family matters, estate planning, personal injury and worker's compensation cases, and general commercial and civil litigation. This column features timely information about legal issues of interest to our community. 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.*



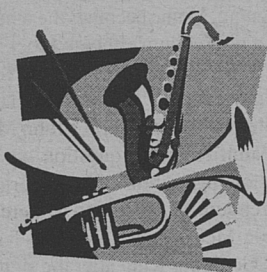
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**Keith Goslant!**

Keith is on the front cover of  
the June 1997 issue of  
Vermont Magazine as one of  
"Vermont's Most Influential People."



#### MUSICIANS WANTED

Marching Band now forming in order to perform in *Vermont's Lesbian, Gay, and Bisexual Pride March* on Saturday, June 21st. All instruments and levels of proficiency welcome. Flexible rehearsal schedule.

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