

community forum: same gender unions

The Opportunity of a Lifetime

BY BETH ROBINSON

Now that the struggle for equal legal rights for same gender couples who wish to marry has reached Vermont, some in our community are no doubt wondering, "Is this really a good idea?" If you doubt that legal recognition of marriages between same-gender partners is a vital civil rights issue for all gay and lesbian Vermonters, please hear me out.

1. This is about choice.

The question of whether we should marry should not be confused with the question of whether we should be allowed to marry on the same terms as everyone else. The "gay community," like the world as a whole, is incredibly diverse. There are some among us who reject marriage as an assimilationist institution that flies in the face of the revolutionary character that defines our community. There are others among us who believe that there can be nothing more revolutionary than joining the institution of marriage and transforming it to something better. There are still others who may not feel like revolutionaries—folks who simply want to go about their lives with the same social and legal options as everyone else, who may not particularly mind

"assimilating." Everyone in our community should support the freedom of all of these folks to forge their own paths, and make their own choices. That's what the freedom to marry debate is about.

Let's not deprive our brothers and sisters who want to marry of the choice to do so. And for those who don't want to marry, what does it really mean to reject the institution of marriage when it's not even an option? If we do not marry, let it be because we choose not to do so, not because someone who hates us, or who doesn't even know us, believes that we don't deserve the same legal choices that they enjoy.

2. This is about civil rights for all GLBT Vermonters.

There can be no doubt that recognition of our marriages is a critical civil rights issue for gays and lesbians in Vermont—regardless of whether they choose to marry. Vermont's marriage laws represent the last bastion of heterosexism in Vermont's laws. We have achieved equal legal rights on all other fronts. If we prevail, then gay and lesbian Vermonters will enjoy the full panoply of civil rights offered to Vermont citizens—no remnants of state-sanctioned second class citizenship will



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remain. Moreover, our quest challenges homophobia at its core: we are asking not only to be treated as individuals worthy of dignity and respect; we are demanding equal legal protection for our families.

3. This is about legal protection for all Vermont families.

There is no question that the public discussion triggered by the pending lawsuit will benefit all "non-traditional" Vermont families, whether gay or straight, and whether or not headed by a married couple. The debate about marriage can only raise public awareness of the legal and economic protections of marriage—which can only promote, not undermine, the drive for domestic partnership benefits and more inclusive governmental policies towards all families. The State of Hawaii has recently enacted

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changed. It didn't used to be possible in some states for people of different religions to marry; that's changed. It used to be illegal for people of different races to marry; that's changed. So in the same way, I see marriage as ever-evolving so that it doesn't need to stay what it was.

OITM: What sort of gains do you hope to see from this personally?

Peter: Over 350 laws in Vermont somehow involve marriage. On the national level, there are over a thousand. When the Defense of Marriage Act [DOMA] was going through, someone did research into federal law and national statutes, and I think there were 1045 different places where marriage is mentioned, recognized or valued. So there are

numerous benefits that way. I think on top of that is the whole idea of recognition. If there was public recognition of gay couples, it would be easier for couples and for gay people because they wouldn't be working against a system to find their place in that system. They would be part of the system.... I think they'd still be themselves, they wouldn't lose their individuality, but they would be recognized and honored. In this process, meeting couples who have been together for a long time, for twenty five years, is so powerful for me. As a teenager, growing up in New Hampshire, I wouldn't have thought there were gay couples in long-term relationships, and it's such a thrill to find out that there are. I think it would be a lot easier for people to come

out, to live happy and productive lives if they were welcome. **Stan:** For me personally, it's not so much about finances. In fact, we had somebody check our income taxes, and we would pay \$1200 more as a married couple. To me, it's about a basic equality, a basic right, and people knowing that we're married. People can recognize what is, and can no longer turn away from it. In terms of bottom line things that concern me, it has to do with being seen as a couple by the culture. If Peter were sick and I needed to be with him in the hospital, I wouldn't have to show legal papers and go through all of this stuff that some couples have had to go through, or be denied access to each other. I want to be seen as his next of kin, as the person who knows him the best, and has the most intimate connection with him, and I want that to be legally recognized so I don't have to stand on my head in hospital situations or other situations for people to

Supports and Obligations of Civil Marriage

Medical Treatment and Hospital Visitation: Doctors generally defer to a patient's spouse regarding medical treatment, and the spouse is allowed to visit a patient in preference to all others.

Inheritance: The law provides certain automatic inheritance rights to a person's spouse.

Deceased Bodies: A spouse is generally entitled to deal with the deceased's body and funeral arrangements.

Legal Commitment to Remain Married: Married couples need the state's permission to end their marriage, and divorce laws allow courts to require people to support their spouses after a divorce.

Social Security, Veteran's Benefits & Other Government Benefits: Many married people are entitled to financial benefits relating to their spouses, such as disability and social security.

Health Insurance: Most group health plans provide for coverage of a member's spouse.

Bereavement Leave: Many employers provide employees paid or unpaid leave for the death of a spouse.

Tax Benefits: Such as joint income tax filing and inheritance from one's spouse free from certain estate taxes.

Tax Burden: Many married people pay higher income taxes as a result of being married.

Family Medical Leave: Many employers must give employees unpaid leave to care for an ill spouse.

Tenancy by the Entirety: Jointly held property may not be attached for the individual debts of either spouse.

Pensions: Many pension plans provide protection for the surviving spouse of a pension holder.

Immigration: Foreigners married to American citizens are entitled to preferential immigration treatment.

Testimonial Privilege: Spouses may not be required to disclose certain communications with each other.

Social Respect: Legal recognition of a committed union reflects a community respect for that union.



Plaintiffs Lois Farnham and Holly Puterbaugh answer reporters' questions at the July 23rd marriage suit press conference. They will be featured in OITM's October issue.

see him as my next of kin, as my spouse.

OITM: Do you define marriage differently than the hetero world might?

Stan: I think it's more that the coupling is different in the queer world. My sense is that it's not stuck in a patriarchal mode, that it's very much a choice, and that division and

equality and flexibility is there. We can define our roles within that institution much more equally. I think because the role playing—the female and male role is removed from it—that leaves a lot of more freedom to make your relationship in a way that fits you.

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