



DON'T RIDE THE PRETTY DINOSAUR! or, why Gay Marriage is a bad idea

By ENDORA

DISCLAIMER: *This represents my own personal viewpoint, and not that of any organization that has the poor taste of allowing itself to be associated with me.*

If I hear one more queer utter "gay marriage" one more time, I'm going to squeal like my sweet pet pig, Babette. I mean really! This is the worst case of "please let us be like you" since our palpitations to get into the military. Why are we fighting to become included into an institution which is obviously failing? Most of my straight friends live "in sin" because they see marriage as the patriarchal dinosaur it is. Many of my (former) gay friends drone on incessantly about how beautiful the world would be if only they would let us ride the pretty dinosaur. I don't get it. Is our need to be accepted so great that we are reduced to pleading for our rights to join the club of governmentally-sanctioned relationships?

I don't know about you, but I don't need anyone, least of all the same government that denies my basic civil rights, to tell me that my relation of 15-years is acceptable, genuine, or holy to God or Goddess. I don't want their nose in my choice of family structure, even if that nose comes in the form of a marriage license. What if I choose not to couple? What if I choose to marry three people? Are these somehow less holy, less

acceptable because my family might not get it? Because Uncle Sam says it's bad? It is a sad day when we look to mainstream heterosexual society to validate our ways of forming family. I believe that as a community, instead of fighting to gain access to an institution that discriminates, we should be fighting against laws that give one particular way of living advantages over another. Isn't that what diversity is all about?

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In her article last month in *Out In The Mountains*. "Faith Matters and Marriage Matters", Rev. Christine Leslie spoke about what a powerful event her commitment ceremony had been. I'm sure it was. As a clergy-person myself, I have performed dozens of marriages and commitment

ceremonies, and they are deeply meaningful and sincerely moving. ...BUT. Too often they are also rooted in showing our straight families that we can be good normal people "just like them" because, see we got married, too. And although this might chip away at social homophobia among our families, it does so by asserting, (read: desperately trying to prove) that we are just like they are and therefore deserve acceptance. Goddess forbid they be asked to accept something really different. They'd bust open from that stretch. And the result of this commitment ceremony campaign has been that now in the gay community, marriage is the exalted and socially applauded norm.

OK. I concede that the presents are tempting. As is making our families squirm when they have to give us the same thing they gave our siblings or admit they are homophobic. Good sport. But then we pour out in droves for commitment ceremonies so we, too, can celebrate how mainstream and upstanding we've become. Why? Why do we do that? Friendship? Support? Yes, but doesn't it run a

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What about DOMA?

By CELIA CUDDY

The Defense of Marriage Act of 1996 (Pub. L. No. 104-199, 110. Stat. 2419 [1996]) was signed into law by President Clinton at 12:50 am on September 21, 1996. The secretiveness suggested by this middle-of-the-night signing stand in contrast to the very public, and very combative, national debates about same sex marriage that preceded the passage of DOMA.

As we continue to organize around this issue in Vermont, we need to be aware of the profound obstacles that DOMA presents to any legal, equal status marriage for queers. The effect of DOMA is that regardless of what our judges decide, what our representatives legislate, or what we as citizens vote in any referendum, it will be impossible for same sex couples to access the full range of benefits and responsibilities provided to heterosexual couples: heterosexist discrimination will remain intact.

DOMA (subtitled "An act to define and protect the institution of marriage") is actually a tiny law with only two short sections. The first section mandates that no state will be bound to recognize as a marriage any same sex marriage that may be performed in any other state. In the Congressional debates, this section was framed as a necessary shoring up defenses against activist judges and extremist lawyers trying to inflict gay-tolerant sensibilities on the entire country.

DOMA supporters made reference to the Full Faith and Credit Clause of the Constitution in discussing the first section. In this passage of the constitution states are required to fully recognize the laws of other states in ways to be decided by Congress. Full Faith has been evoked, for example, in requiring states to respect restraining orders against abuse or child custody judgments of other states. In DOMA, however, a new interpretation of this passage was presented: that Congress could decide that the effect of one state's laws on another state's could be "no effect." This interpretation is completely unprecedented and untested in courts. In the 200 year history of the Constitution, Full Faith has always been evoked to implement laws among states, not disregard them. But here, DOMA allows that marriage laws of one state can be ignored by another.

Marriage laws do differ among states in terms of ages of consent as well as permissible degrees of relationship. This occurs because of the Public Policy Clause of the Restatement (Second) of Conflicts of Law Act (Sec. 283 [2]). This act makes the provision that if respecting the law of one state would violate "the strong public policy" of another state, that law can be disregarded. What this means is that prior to DOMA, if the fine citizens, judges, and legislators of Vermont had legalized same sex marriages, and this really pissed off the fine citizens of New Hampshire (as reflected by public referendum, state laws, or judgments against queer marriages), then New Hampshire could have ignored our marriages, but we would have remained just as married in Vermont. In other words, this section of DOMA was completely unnecessary in any legal sense, and could well be seen as a transparent political move to inflame anti-gay sentiments in an election year (DOMA was debated and passed during the final months of the 1996 election).

The second section of DOMA defines marriage for the purposes of federal benefits, acts, laws and programs. Here, marriage, is clearly defined as the union of a man and a woman. This section stands as an unprecedented federal intervention into what had been previously seen as the responsibility of the states. Prior to DOMA, the federal government left it up to individual states to define marriage. Whatever the state's definition was, the federal government would respect that and provide marriage-related benefits accordingly. For the first time in US history, DOMA serves to create a federal definition of marriage. Regardless of what we do in this state, regardless of any legal or judicial recognition of same sex marriage that may come to pass, our access to benefits and supports are severely restricted. DOMA means that even if Vermont declares that our marriages are legal, we have no legal entitlement to our spouses' social security or veteran's benefits. We will not be able to file joint tax returns. We will not have access to accelerated status in immigration proceedings if one of us is not a US citizen. In federal court, we will not have the privileges of confidentiality afforded between different-sex spouses for matters of testimony. Our children will not be known as our children, with profound implications for interstate custody and support proceedings. We will not be presumed to be the beneficiaries of our spouse's estate. The benefits given to, and responsibilities respected of, "spouses" are referenced thousands of times in federal programs and laws. We will have access to none of these.

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