



Western PA Freedom to Marry Coalition

Marriage Announcements

August-September, 1997

Volume 2 Issue 4

Vermont couples file pro-marriage suit

Freedom to marry coalitions continue national fight

On July 22, three couples in Vermont filed a lawsuit against the state claiming that its denial of a marriage licenses violated the state constitutions equal protection guarantee. This case in Vermont is the third freedom to marry case currently pending, and the second supported by national Freedom to Marry Coalitions.

The suit was filed in Chittenden, Vermont Superior Court against the state as well as the towns of Shelburne, South Burlington and Milton because the three same-sex couples — Stan Baker and Peter Harrigan of Shelburne, Nina Beck and Stacy Jolles of South Burlington, and Lois Farnham and Holly Puterbaugh of Milton — all had been denied marriage licenses by town clerks. The state attorney general has vowed to fight this challenge.

At a press conference, the couples said they wanted to marry to publicly declare their love for each other and also to make themselves legally eligible for the same benefits and protections as other married couples. Puterbaugh, a nurse, said even though Farnham had worked hard on her Christmas tree farm, “her Social Security benefits won’t be as large as mine and she’s not entitled to my benefits even though we’ve been together for 25 years.”

Article 1 of the Vermont Constitu-

tion provides that “All men are born equally free and independent and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending of life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.”

Article 7 declares, “The government is, or ought to be, instituted for the common benefit, protection or security of the people.”

“This is known as the common-benefit clause,” said Sheldon Novick, professor of law at Vermont Law School. “It’s generally interpreted that if a benefit is provided to anyone it must be provided for all.”

Evan Wolfson of Lambda Legal Defense and Education Fund wrote to the Internet, “This exciting development underscores what we in the Freedom to Marry Coalition and movement have believed for some time: ours is a national civil rights struggle in which the work proceeds and is shaped state by state; in which we must work together because what we do in one part of the country can draw on, and is affected by, what others do elsewhere; and in which each of us has the skills, the ability, and the responsibility to make a contribution and tackle the challenges that confront same-sex couples and our

Pittsburgh considers Domestic Partnership Law

News Analysis

Pittsburgh City Councilman Dan Cohen has announced his intention to introduce legislation to provide benefits to the domestic partners of City employees. Cohen decided to take this step after consulting with members of our community and after learning of a lawsuit filed by a lesbian police officer after she was denied health benefits for her longtime partner. While details of Cohen’s proposal have yet to be ironed out, stories have appeared in *In Pittsburgh News Weekly*, the *Post-Gazette*, all four local television stations, and nationally through the *Associated Press*.

In a July 10 editorial, the *Post-Gazette* writes, “We welcome Mr. Cohen’s efforts.” So does the *Marriage Coalition*. But let us be clear, just as *Separate but Equal* is a failed doctrine for race relations, domestic partner benefits are no substitute for marriage. Marriage provides unique benefits that cannot be conferred by any city or private sector employer. While domestic partner benefits are important and meaningful to those eligible — sick leave, bereavement leave, access to pension benefits, and

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Your donation to the Western PA Freedom to Marry Coalition

helps us educate our community about the marriage for same-sex couples! **Please help by sending donations to WPAfMC, PO Box 81253, Pittsburgh PA 15217-4253.** Donations are not tax deductible

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Vermont pro-marriage case

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communities in each state. It is a long-haul civil rights struggle in which our work together can move us further faster.”

Wolfson adds, “This latest affirmative Freedom to Marry case does not represent a departure from our legal strategy of avoiding ill-chosen, premature, poorly-timed, unlikely to be successful litigation. Rather, it is in fulfillment of that strategy, of our desire to make sure that litigation is carefully chosen, locally appropriate, and accompanied by political and public education work.”

A third freedom to marry case, *Storrs v Holcomb*, is currently on appeal in New York state. This is a private case with little backing from national organizations. A lower court in New York has already ruled against the Storrs’s attempt to marry.

Wolfson continues: “This case in

Vermont is the right case in the right place at the right time. The people in Vermont have done their homework, legally and politically, and continue to do so.

“Legally, they have carefully researched Vermont statutory and constitutional law, and they have studied their courts. Politically, they have laid a foundation of support by meeting with countless Vermonters all across the state, community and religious groups as well as politicians, lawyers, etc.”

Unlike New York, Vermont has statewide civil rights protection, the state gives domestic partner benefits to gay and lesbian state employees, and has hate-crimes legislation. Additionally, in 1993, the State Supreme Court allowed the joint adoption of a child by a lesbian couple.

The Vermont case is consistent with the Freedom to Marry Coalitions belief that litigation must take place in a climate of receptivity.

The defeat suffered by the Storrs’s has already been used in briefs filed before the Hawaiian Supreme Court in an attempt to have it overturn its 1993 ruling in *Baehr v Lewin*.

Like Vermont, Pennsylvania’s constitution guarantees the pursuit of happiness

and equal protection for its citizens. However, unlike Vermont, our courts have been reluctant to grant gays and lesbians equal rights. Last year, our legislature derailed a hate-crimes bill in a rush to pass anti-marriage legislation. Pennsylvania offers gays, lesbians, bisexuals and transgendered people no civil rights protections. Finally, lack of focus and infighting between various GLBT constituencies in Pennsylvania hurt our ability to create a positive, affirmative atmosphere for change in this state.

Meeting Changes

In August and September, the Western PA Freedom to Marry Coalition will **not** meet at our regular day and time. Instead, the Coalition will meet with Pittsburgh’s ACLU Gay and Lesbian Rights Project at the GLCC on the third Thursday of the month (August 21 and September 18) at 7:30 PM. Call 441-0356 for more information.

Domestic Partnership for City of Pittsburgh Employees

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spousal health insurance — only marriage provides access to the full 1300 state-related benefits and 1049 Federal benefits heterosexual married couples enjoy. However, we must be realistic. Marriage rights for gays and lesbians in Pennsylvania are still several years away. In the interim, the benefits provided to City workers through a domestic partnership law will have a positive effect on the lives of many in our community.

The debate in City Council also has another positive effect — it raises the awareness of the public to the discrimination faced by gays and lesbians in our relationships.

In its July 7 article, the Post-Gazette reports Councilman Dan Onorato as saying, “If you start extending benefits what do you do, for example, about people who live together, or a child who cares for a sick elderly

parent? Or two sisters who might live together?” The Councilman’s message is clear — to him, the love felt between gay and lesbian partners is equivalent to that between sisters or a parent and a child. What the Councilman fails to acknowledge is that a City worker can already take familial leave to care for a sick parent or take bereavement leave on the death of a sibling. There are no such leave policies for gays and lesbians when our partners are ill or die.

The debate over domestic partnership benefits in the City of Pittsburgh gives all of us the opportunity to educate our neighbors, friends, coworkers and elected officials about the true, loving nature of our relationships. It gives us the opportunity to shed some light on the inequities faced everyday by gay and lesbian couples. The Marriage Coalition welcomes this opportunity.

Contacting City Council

As debate on the proposed Domestic Partnership law proceeds, it is **vitaly important** that all concerned citizens express their opinions to City Council. People that live in the city should contact their city council person and ask them to support the proposed measure. People that work in the city (and pay the City’s employment tax) also should write to council and express support for the legislation.

**The Honorable Tom Murphy,
Mayor**
512 City-County Building
Pittsburgh, PA 15219
255-2626

The Honorable Jim Ferlo
President, City Council
255-2140

The Honorable Dan Onorato
255-2135

The Honorable Alan Hertzberg
255-8963

The Honorable Gene Ricciardi
255-2130

The Honorable Joe Cusick
255-2131

The Honorable Bob O’Connor
255-8965

The Honorable Sala Udin
255-2134

Waiting for Hawaii Continues

The waiting continues while the Hawaiian Supreme Court decides the next step in the case that we expect will legalize marriage for same-sex couples. All the briefs have been filed by both sides. Many national groups, including the National Organization for Women, the Japanese American League, and the American Civil Liberties Union filed documents with the court in favor of marriage rights. All the briefs in the case are available through the Marriage Coalitions website (<http://www.cs.cmu.edu/afs/cs/user/scotts/ftp/wpaf2mc/>).

In late June, the state asked the court to delay any ruling until after a November 1998 vote on a proposed constitutional amendment. In response, the attorneys for three couples who have sued the state for marriage rights asked the court to expedite the proceedings. A lawyer with the Western PA Freedom to Marry Coalition speculates that the court will not grant the states motion. “The case is ripe for a decision. If they want to monkey with the constitution at some future time, that should not affect this case.”

The Honorable Dan Cohen
255-2133

The Honorable Valerie McDonald
255-2137

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Pittsburgh, PA 15219

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