

Gay Marriage: Lifting the Bans

The American Civil Liberties Union (ACLU) recently gave unprecedented public support to efforts to legalize marriage for lesbian and gay couples.

A resolution adopted by the ACLU Board of Directors last October calls efforts to win for lesbian and gay couples all the benefits, rights, and responsibilities of heterosexual married couples "imperative for the complete legal equality of lesbians and gay men."

Legal recognition of gay relationships would provide protections, including insurance benefits, the option of filing joint income tax returns, visitation and next-of-kin rights when a partner is hospitalized, and survivorship rights when a partner dies.

While many gay rights and feminist organizations support legal recognition and partner benefits for lesbian and gay couples, no traditional civil rights group has previously taken such a stand.

The resolution arose from the ACLU's involvement in several partner-benefits cases. In one of the cases, a Minnesota woman, Karen Thompson, was denied legal guardianship of her lover of four years, Sharon Kowalski, after Kowalski suffered brain damage in a 1983 car accident. Kowalski's father, who won legal guardianship, has barred Thompson from seeing his daughter since August 1985. After being denied a hearing by the Minnesota State Supreme Court, Thompson is preparing to bring her case to federal court.

Because no state currently recognizes

homosexual marriage, couples have been forced to devise individual solutions, such as wills and relationship contracts, to protect their claims to partner benefits. And because very few employers provide insurance benefits for domestic partners, some couples have turned to adoption--one partner adopting the other--to establish next-of-kin status.


The ACLU does not expect immediate results from its new policy. "Nobody is going to go into any state legislature in this country any time soon and propose gay marriage, and expect it to pass," says Nan D. Hunter, director of the ACLU Lesbian and Gay Rights Project.

However, the National Gay and Lesbian Task Force (NGLTF) is currently considering developing model state legislation that would recognize lesbian and gay relationships. "As our community has matured, these relationship issues have become very, very important," says NGLTF's spokeswoman Urvashi Vaid. "Now, it is more of a priority to have our relationships validated."

Because the denial of virtually all marriage privileges applies to all unmarried couples, laws forbidding discrimination on the basis of sexual preference have no bearing.

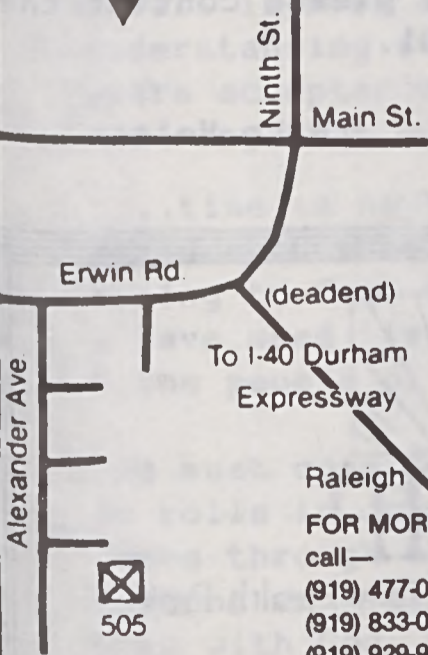
"Partner benefit laws are an issue that not only gay people need to be concerned about," says Hunter. "This is a civil liberties issue for everyone."

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