

Marital Rights For Same-Sex Couples Pushed

**Attorneys OK Proposal
But State Bar's Strong
Support Called Unlikely**

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A radical proposal to extend marital rights to same-sex couples that was passed by the State Bar's Conference of Delegates would transform countless business and legal relationships if ever enacted into law.

Members of two predominantly gay and lesbian bar associations expressed surprise and excitement over passage of the resolution Saturday, but said they expected the bar's influential Board of Governors to bury the proposal.

Under State Bar protocol, hundreds of legislative initiatives are debated at the annual Conference of Delegates. But only those favored by the governors at a session later in the year receive the full backing of the bar's financial and lobbying resources.

Push Proposal

Liz Hendrickson, a family law practitioner from Oakland and delegate for the Bay Area Lawyers for Individual Rights, said no member of the Board of Governors has offered to push the proposal.

But even if it is ignored by bar governors, Hendrickson said the stamp of approval from the Conference of Delegates could be used by individual bar associations pushing for legislation at either the local or state level.

The resolution, proposed by a heterosexual member of the San Francisco Bar Association, seeks legislation that would make marriage laws neutral in regard to sex. The net effect would be to allow same-sex couples to marry.

The proposal is considerably more radical than domestic partnership laws proposed in some California cities, because it would extend all privileges of marriage to same-sex couples willing to tie the knot.

Although the resolution passed without opposition, it was not unanimously popular. Attorney Matt St. George, a member of Los Angeles Lawyers for Human Rights, said the measure might have been scuttled but for some last-minute politicking.

St. George said delegates representing San Francisco's conservative Lawyer's Club were planning to call the resolution up for debate, a move that could have doomed it. But the Lawyer's Club

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withdrew the threat and came out in favor of the resolution after a lunchtime meeting Saturday with delegates favoring the resolution.

Without Voice Vote

Other delegates speculated the measure was approved without a voice vote and without public opposition because delegates who were against it did not want to argue their objections to the measure.

And although he favors rights for gay and lesbian couples, Los Angeles attorney Tom Coleman called the resolution a "nice academic exercise" that is "too far ahead of its time."

Instead, Coleman has been following an alternative strategy to expand the definition of the family. He believes acceptance of such diversity would benefit members of several kinds of families which don't fit the "Leave it to Beaver" stereotype.

At a panel discussion on gay marital rights Saturday afternoon, Coleman advocated "education" rather than "litigation."

Coleman said census data indicate only about 13 percent of California households fit the nuclear family image of a husband-wage earner and a wife-homemaker.

Other family types include step-families, foster families, dual-income marriages, single-parent families and unmarried heterosexual couples. According to Coleman many of these so-called alternative families have a stake in seeing the definition of family widened.

In Los Angeles, a task force on family diversity resulted in several recommendations which would benefit gays and lesbians, along with other members of alternative families, Coleman said.

"We have to win over the other segment of society," Coleman said. "We can if we can show a connection between our rights and their rights."

Alternative Families

Rights of alternative families may also be advanced, Coleman said, by a little-noticed provision in Proposition 103, the insurance price-cutting initiative.

Coleman said the proposition includes language which says the Unruh Civil Rights Act applies to the insurance industry. The act disallows discrimination on several fronts.

Coleman predicted that provision, if enforced, could lead to sweeping changes in areas such as insurance, travel discounts and housing.

In Los Angeles, Coleman said, the city attorney's office is convening a task force on marital status discrimination that could eventually result in prosecution of such bias.

Discounts now offered to married couples for joint automobile or renters insurance, for example, could be extended to unmarried domestic partners, including same sex couples, if marital status discrimination was found to be unlawful, Coleman said.

The implications of measures against marital status discrimination are well recognized by the business community, Coleman said, as evidenced by opposition to expanding the definition of family.

"The biggest resistance comes from financial and religious (sectors)," Coleman said.

Moderate Approach

While Coleman proposed a moderate approach to advancing gay and lesbian rights, Hendrickson said the marital rights resolution

approved at the conference, even if radical, could erase most discrimination gay couples now face.

Recalling the case of Alice B. Toklas, life-long partner of writer Gertrude Stein, Hendrickson said after Stein's death, Toklas was, "relentlessly and completely stripped of everything she and Gertrude Stein collected together. The paintings were stripped from the walls (by Stein's relatives), and she died a pauper."

"I wish I could say things have changed," Hendrickson added, "but I think all of us know friends in pretty much that situation."

Listing a litany of disadvantages faced by same-sex couples, including problems with probate, child custody, insurance, and pensions, Hendrickson said, "all the things I listed would be wiped off the slate as obstacles if we chose to (marry)."