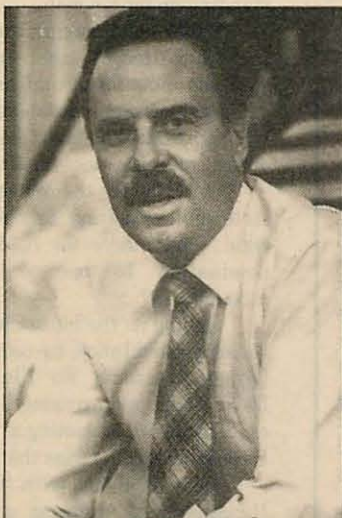


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## Domestic Tension

*Will Benefits Lawsuit Pit Gays Against Straights?*



*Spectrum Institute's Thomas F. Coleman*

A phone company worker has sued Bell Atlantic for unlawful discrimination because the company, which has a gays-only domestic partner benefits policy, denied coverage for the worker's unmarried heterosexual partner.

The case, brought by Los Angeles attorney Thomas F. Coleman, is being touted as the first of its kind and is making some gay civil rights leaders nervous.

"Internally we've had all sorts of interesting and confidential

discussions, but we haven't taken a position one way or another," said Jennifer Pizer, managing attorney for the Lambda Legal Defense and Education Fund's western regional office.

The case involves Paul Foray, who said his request for health benefits for his live-in girlfriend was denied by Bell Atlantic, which would have honored his request if his partner were a man.

"This is about equality," Paul Foray said after his lawsuit, which seeks \$485,000 in damages, was filed May 18 in U.S. District Court in Manhattan.

Foray filed a similar lawsuit against Bell Atlantic in state court in Manhattan in October 1997, seeking \$12 million, but withdrew the suit after Bell Atlantic argued it had no merit. This time, however, Foray is backed by Coleman and his Los Angeles-based Spectrum Institute, which fights to eliminate marital status discrimination and to protect personal privacy rights.

The lawsuit, said Coleman, "seeks to vindicate three basic principles: equal pay for equal work, freedom of choice of all couples to be domestic partners, and respect for family diversity."

"This lawsuit should not be viewed as straights versus gays," said Coleman. "Many gay rights organizations and many lesbian and gay rights activists around the nation strongly support domestic partnership laws and benefits programs that are open to all unmarried adults."

Certainly, in concept, many gay rights leaders support the notion of equal access to domestic partnership benefits for all. But at the risk of losing any policy for gays only? Especially when Foray retains one right not currently available to gay men and lesbians, the right to marry his partner?

It's a difficult question, conceded Pizer. She said Lambda's concern over the issue was bolstered late last year when Coleman, with the backing of California state Labor Commissioner Jose Millan, threatened to sue Oakland over its domestic partners policy. The city of Oakland has since decided to open up its policy to all unmarried partners.

Although Pizer noted that Lambda believes organizations are better off if they extend benefits to all couples, she could not predict what, if any, position the organization will take in this particular case.

The vast majority of domestic partner benefits programs are already open to all unmarried couples, according to Coleman. His statistics show that 35 out of 42 municipalities with domestic partner benefits are open to opposite-sex unmarried couples, as are all state programs. Among private employees, only 21 percent of domestic partner benefits programs are limited to gays only.

But some gay leaders fear that forcing an all or nothing approach will convince some governments or businesses to avoid domestic partner programs or drop ones previously established. Former presidential candidate Ross Perot did the latter recently, citing the potential cost of extending the benefits to heterosexuals when he ended the domestic partner benefits program at his computer company, Perot Systems Inc.

Coleman said such fears are unfounded. "The cost of including opposite-sex partners would be minimal," he said. "Companies with inclusive plans—and most of them have inclusive plans—find that enrollment increases by about 1 percent on a national average."

Bell Atlantic, meanwhile, plans to offer a vigorous defense to Foray's suit, said spokesman Steve Marcus. "We believe that this lawsuit has no merit," Marcus said. "We believe that our policy on domestic partner benefits complies fully with all applicable laws and regulations."

Foray, 52, a cable splicer with the company for 28 years, lives with his partner, Jeanine Muntzner, 44, in the Long Island suburb of Seaford.

Despite Coleman's claims of broad support, other major gay and gay-friendly organizations like the Human Rights Campaign, the National Gay and Lesbian Task Force and the American Civil Liberties Union are conspicuously absent from his list of endorsers.

—Tracy Syper