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Dear Tom,

I don't know whether the national edition of the Times picks up "purely local" NY stories, so I thought I'd send the enclosed, which appeared on April 26, the day of the Braschi argument. As you can see, your brief is quoted from toward the end of the article. How does it feel to be the brief writer for "religious leaders and several other interested organizations"? Your strategy of getting religious co-sponsorship seems to have worked; the Times, at least, pays attention when those names appear on a legal brief.

I have not yet heard any reports on the argument, apart from a general rumor that the judges seemed seriously interested in the issues. If I hear any more, I will be in touch.

On another point, it looks like there will be a domestic partnership bill introduced here this spring, since the "political" types like Jim Levin insist that it will be a good vehicle to use as a "litmus test" for candidates in the municipal elections (City Council and citywide offices) to be held in the fall. The most likely prototype will be Harry Britt's current draft, which we understand was introduced in the San Francisco Board of Supervisors this week with the expectation that ART Agnos will sign it if it passes.

Yours,



Arthur S. Leonard

PS: When you get your copy of the May Law Notes, you will see reference to your state Task Force report.

that issue, I don't know a legislator who has been further out front than Bill Gormley," the Governor says. W. Cary Edwards, Mr. Kean's former chief counsel and Attorney General, has mailed a campaign videocassette to more than 100,000 New Jersey households. It shows Mr. Edwards working tirelessly at his desk with a picture of Mr. Kean propped up be-

is certainly one of the I worked with in government powers. Mr. Courter recently got name should rightfully on the primary ballot. wants a candidate to re- phrase be printed by month, Mr. Edwards re- regular Tom Kean Re- his permission. But what Mr. Edwards was the phrase next to his "Republican." his assent. was the lastly disputed case, saying it came too on officials ruled in Mr.

zard, use of Mr. Kean by is a commercial gain of Charles L. Hard- Speaker of the Assembly. posed more Kean policies than the Democrats and e Governor far more

mercial shows Mr. k of standing together in shaming. that have become nar- ve started in the State not says, "and have with state Ass. only the dubious, for 1960, took ago. the camera, was prob- ously in an otherwise 1983. The two men say. In come to portray himself at the helm with Mr. ying to sink one of Mr.

Demonstrators rallying outside the main administration building at Convent Avenue and 138th Street as they continued their occupation of it for the third day. Classes resumed yes-

Monday after they had been... Demonstrators were protesting a proposed tuition increase of \$200 that would result from cuts in the state budget.

NY Times 4/27/89 pp B1-B2

How to Define a Family: Gay Tenant Fights Eviction

By PHILIP S. GUTIS
Special to The New York Times

ALBANY, April 26 — For Miguel Brashi and Leslie Blanchard, two gay men who lived together for more than a decade, the one-bedroom apartment on East 54th Street in Manhattan was the focal point of their lives. Now, two and a half years after Mr. Blanchard's death, the apartment is at the center of a legal battle as Mr. Brashi fights eviction in a case that could be precedent-setting.

Beyond the immediate issue of who is entitled to live in a rent-controlled apartment after the tenant of record dies, the case before the Court of Appeals, New York State's highest court, revolves around the broader constitutional question of how to define a family.

In oral arguments before the court today, lawyers for Mr. Brashi and Stahl Associ-

ates, the owner of the building, met detailed questioning about the case, which has drawn friend-of-the-court briefs supporting Mr. Brashi from the City of New York, the City Bar Association, the Legal Aid Society, several religious leaders, AIDS-care providers and many homosexual-rights organizations. No organization filed supporting briefs for the landlord.

Shortage of Housing

City officials say the case is particularly important because of the city's housing shortage and the rapidly growing number of people with AIDS and the AIDS-related complex.

How to define a family is becoming an increasingly important issue around the country as governments struggle to determine how unrelated people living together — like

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The New York Times/April 27, 1989

The School Board Vote

On Tuesday, amid investigations into corruption, New Yorkers are to elect 32 local school boards. The last of four reports appears on page B6.

Creating New Habits For the Common Good

By ERIC SCHMITT

Every other Monday, when Mira and Jose Alvares take out the trash at their home in Manhasset, L.I., they also leave bundled newspapers and an orange bucket full of cans and bottles to be recycled.

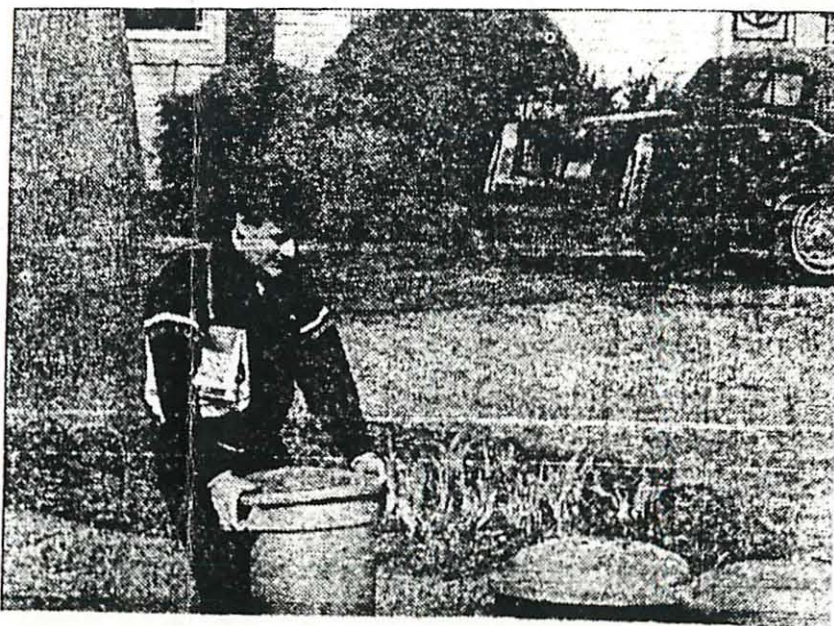
They also took shorter showers last year after Nassau County began enforcing mandatory water conservation measures.

"Once you condition people to do something, they'll do it, but it's difficult," Mrs. Alvares said. "We don't like anything government mandates, but with garbage, for instance,

do others regulations that force drivers to buckle up and smokers to snuff it out. But psychologists and government officials say that laws demanding changes in behavior are only as effective as the public wants them to be.

"Public policy that causes people to change can be done only if people are receptive, either because they have an innate sense the policy makes good sense or they recognize there's a crisis," said the New York City Sanitation Department's director of recycling, Joan Edwards.

The experts say social behavior



Behind th

Although th... of Berpen, Essex ar... in the 201 area ha... since the 70's, mu... transformed from... Highways like R... 287 have been a sp...

The America... Company helped... mid-70's when it... in new offices in f... Interstate 287. S... have been spent o... since 4...

The commerc... sands of new resic... Hunterdon and W... increased 25 and... the 70's. Ocean Co...

Continu

Parking

Because of the... over and Easter... day, alternate-s... suspended in N... and tomorrow... main in effect.

How to Define a Family: Gay Tenant Fights Case

Continued From Page B1

gay couples, the handicapped, the elderly or group homes of single people — fit into existing laws and regulations.

Under rent-control guidelines, a landlord may not evict either the "surviving spouse of the deceased tenant or some other member of the deceased tenant's family who has been living with the tenant."

In court papers, Mr. Brashi, who is represented by the American Civil

Missing Tennessee Student Is Found Unharmed in Park

By The Associated Press

A missing University of Tennessee student who was thought to be the victim of foul play was found unharmed in Central Park, the police said yesterday.

Andrew Klein, 21 years old, of Nashville, was found about 10 P.M. Tuesday at West Drive and West 64th Street in Central Park. He was "wandering around the park and was under the influence of a controlled substance," Officer Janice Swinney, a spokesman for the New York City Police Department, said. She did not know what that substance was.

He was taken to Roosevelt Hospital, where he was listed in stable condition.

Mr. Klein disappeared Monday in Knoxville after abruptly breaking off a telephone conversation with a friend, saying, "Someone is messing with my car."

His brown, 1972 Oldsmobile Delta 88 was found near the edge of the Tennessee River in Knoxville Monday afternoon, the police said.

Divers searched for Mr. Klein until dark Monday and dragged the river Tuesday, the police said.

Liberties Union, said his long-term relationship as Mr. Blanchard's "gay life partner" makes him eligible to remain in the apartment. According to the court documents, the two men had entwined their lives — sharing their business, their friends, checking accounts and vacations — until Mr. Blanchard's death of AIDS in September 1986.

'Their Family Home'

In his presentation today, William B. Rubenstein, a staff counsel for the A.C.L.U.'s Lesbian and Gay Rights Project, asked the court to protect "tenants who have made a rent-controlled apartment their family home."

In its brief, the Legal Aid Society says its civil division has faced an increasing number of eviction cases in the last decade in which many of the poor clients "live in loving and committed relationships functioning in every way as a family without regard to consanguinity or legal ceremony."

Lawyers for Stahl Associates, which owns the building on East 54th Street, assert that Mr. Brashi is not entitled to stay in his apartment because he is not related by either blood or marriage to the tenant of record, Mr. Blanchard.

In their court papers, Stahl Associates stressed a different constitutional question — whether unrelated people may, in effect, inherit property that belongs to others "such as the rent-controlled apartment at issue in this litigation."

"We submit that they may not," they said.

Dean G. Yuzek, a lawyer with Shea & Gould who is representing Stahl Associates, said the court must "balance the competing interest of landlord against tenant."

'Love and Fidelity'

Although Mr. Brashi declined to be interviewed, the court papers outline a story of a couple that, as the Appellate Division of State Supreme Court said, "had a long-term relationship marked by love and fidelity for each other."

The two men met in 1975 and Mr.

When is a homosexual partner a surviving spouse?

Brashi soon moved into Mr. Blanchard's apartment on 54th Street.

"For more than 10 years in which Brashi and Blanchard lived together, they regarded one another, and were regarded by friends and family, as spouses," the court papers say.

The issue of gay partners and rent control has been tried in lower courts in recent years, with varying results, but this is the first time it has reached the State Court of Appeals. Although recognizing the long-term relationship between the two men, the Appellate Division in August 1988 overturned a lower-court decision that ruled in Mr. Brashi's favor. The Appellate Division's ruling said Mr. Brashi's lawyers had not persuasively proved that the Legislature intended to give protection under rent-control laws to "nontraditional family relationships."

A 1984 Decision

On the question of homosexual couples, the Appellate Division noted that gay partners "cannot yet legally marry or enter into legally recognized family relationships," like adoption. The court also referred to a 1984 decision by the Court of Appeals, in which the judges rejected a gay man's attempt to adopt his partner.

In that decision, the Court of Appeals said it was up to the Legislature "as a matter of public policy" to grant some form of legal status to a homosexual relationship.

While supporters of Mr. Brashi in the case are looking to the court to make a bold statement on gay rights, the case is in some ways more an extension of a Court of Appeals decision last month

overturning a Brookhaven, L.I., zoning ordinance that prevented more than four unrelated people from living together in a single-family home.

In that decision, the court said a restriction on the number of unrelated people living together as a "functionally equivalent family" violated the State Constitution's requirement for due process.

Many organizations are hoping that the Court of Appeals will continue to move forward in broadening what qualifies as a family under state law. "While still perceived as an ideal form, the nuclear family as the standard is now a myth," a court brief filed by religious leaders and several other interested organizations said.

'No Real Alternative'

Homosexuals cannot legally marry, which is why the issue has become a chief goal of the gay-rights movement. Although courts have been reluctant to, in effect, make a policy decision by giving gay partners certain legal rights, some advocates in the case suggest that the courts must begin to act soon because the Legislature won't.

"There may be no real alternative to a declaration of new policy from the court," said Thomas B. Stoddard, executive director of the Lambda Legal Defense and Education Fund, a gay-rights organization.

"They are dealing with a class of people who are underrepresented in the Legislature," he said, "who do not have a strong voice in the democratically elected branches of government and who need the assistance and recognition of the judicial branch to have basic necessities of life preserved for them."