

SPECTRUM INSTITUTE

Progress Report for 1996

Right of Single People to Live Together

The **California Supreme Court** ruled that the term “marital status” in the Fair Employment and Housing Act was intended by the Legislature to protect unmarried couples, as well as single individuals, from discrimination. The court ruled that it is an illegal housing practice for a landlord to refuse to rent to unmarried couples. The court further ruled that landlords with conservative religious beliefs are not exempt from the law. Tom Coleman and David Link represented the tenants and the case was supported by Spectrum.

In response to this victory, a bill was introduced into the **California Legislature** to delete the term “marital status” from the statute, so that business owners could legally discriminate against single people and unmarried couples. After the bill passed the Assembly Judiciary Committee, Spectrum sent materials to several key Republican legislators to educate them that a near majority of adults in California are not married and would be hurt by this bill. Assemblyman Katz developed a coalition of groups, including seniors and single mothers, and held press conferences around the state in opposition to this bill. The bill was defeated by the full Assembly. Spectrum received a note of congratulations from the office of Assemblyman Katz.

Elected Officials Are Supporting Domestic Partnership Rights

The year started off by focusing on domestic partnership rights as an alternative to the push for gay marriage in Hawaii. As a result of the testimony of Tom Coleman, the **Hawaii Commission on Sexual Orientation and the Law** issued a report to the Legislature in which it recommended that lawmakers pass a comprehensive domestic partnership act as a way to eliminate unjust discrimination against two single adults who live together as a household family. Two bills drafted by Coleman were introduced into the **Hawaii Legislature**: the House version was introduced by Representative Quentin Quananakoa and the Senate version by Senator Rey Graulty. The house bill was quickly defeated by conservative leaders of that chamber. The senate bill was heard in the Judiciary Committee, with Coleman invited to testify as an expert on domestic partnership law and public policy. A modified version of the bill was passed by the full Senate but rejected by the House. Thus, the legislative session ended in a stalemate. However, the alternative of domestic partnership received considerable public attention and may ultimately prevail in Hawaii. Time will tell.

For more than a year, Spectrum has been sending domestic partnership materials to **California Lt. Governor Gray Davis**. When an anti-gay-marriage bill passed the Assembly and moved on to the Senate, some moderate Senators saw this as a chance to again promote a limited domestic partnership rights bill. (A bill to establish a statewide registry and which would give domestic partners rights to hospital visitation, participation in conservatorship proceedings, and to modify the statutory will form to allow domestic partners to use it instead of a lawyer-drafted will, was passed by the Legislature two years ago but vetoed by the Governor.) The same dp language that was used in the vetoed bill was amended into the anti-gay-marriage bill, so that any two single adults who live together would have these basic rights in times of ill health or death. The amendment was supported by seniors groups. It passed the Senate Judiciary Committee and the Senate Finance Committee. When there was a tie vote to delete the dp language on the Senate floor, Gray Davis came in and broke the tie. He publicly stated that he was against same-sex marriage but that he always favored domestic partnership rights for unmarried adults. The bill ultimately died when the author refused to have the dp language voted on by the Assembly. Nonetheless, it was another step forward for domestic partnership. Now that both houses of the California Legislature are controlled by Democrats, we may see more action on the dp front this year. However, Wilson will probably veto it and so we must wait for a Democratic governor to be elected in two years.

The passage of the Defense of Marriage Act by the House of Representatives forced the issue of gay marriage to be debated in the **United States Senate**. As a result of strong public opinion against gay marriage, but a growing awareness of the need to eliminate unjust discrimination against unmarried couples, many senators who oppose gay marriage began to speak publicly about domestic partnership rights. The following senators are now on record in support of domestic partnership: Barbara Boxer (CA), Diane Feinstein (CA), Daniel Inouye (HI), Bill Bradley (NJ), and Patty Murray (WA). Patty Murray is the most vocal in support of dp. She has said that she wants to see Congress address "the broader concept of domestic partnerships, or the rights attached to them," adding:

"I am hopeful that domestic partnership legislation will extend to all couples in long-term relationships the legal, economic, and practical rights and obligations enjoyed by married couples. Doing so would make an affirmative statement for fairness and against discrimination. I personally will continue to do all I can to push for legislation that defines domestic partnership policies, that ensures fairness, dignity and basic human rights for all Americans."

Maybe in 1997 we can have Senator Murray sponsor an educational briefing at the Capitol about domestic partnership rights. It should be noted that the growing support for dp rights in Congress did not happen by chance. Spectrum has been sending dp materials to key members of Congress for the past year. These educational efforts are beginning to have an effect.

Burrows) is also on the planning committee and he asked David to see if Coleman would participate on a dp panel. Now that the voters of Hawaii have called for a constitutional convention to revise the state constitution, activists around the country can see the handwriting on the wall and are becoming more reluctant to put all their eggs in the marriage basket. As a result, it should be easier to get their support for dp in 1997.

Equal Pay for Equal Work

Spectrum has been promoting the concept of "equal pay for equal work" as a way to end economic discrimination against single employees -- those unmarried workers who have a domestic partner as well as those who have no partner. Since about 30% of compensation now comes in the form of employee benefits (rather than paycheck money), it is important that discrimination be eliminated from employee benefits programs. One way is for a company to implement a cafeteria-style benefits program that gives each employee the same number of benefit-credits that he or she can use in the way that best suits his or her personal or family needs. This method treats everyone the same and thus eliminates discrimination against all single people. The other method -- better than what we have now but less perfect than the cafeteria program -- would give an employee with a domestic partner the same benefits as an employee with a spouse.

Tom Coleman was invited by **BENCOM** to give a presentation at a national conference on employee benefits. His presentation reached about a hundred employers and he got rave reviews. As a follow up, he was invited to write an article for **The Self-Insurer**. This article got the message out to hundreds of other employers nationally.

Spectrum filed an amicus curiae brief in the **Alaska Supreme Court** in support of domestic partnership benefits for state university employees. We are still waiting for the court's decision.

Spectrum also was consulted by the **City of Atlanta** on the wording for a new domestic partnership ordinance there. The city had passed a benefits ordinance in 1993 but it was invalidated by the state supreme court for technical reasons, although the court did accept the domestic partnership registry. The city revised the benefits ordinance in accordance with Spectrum's advice and then passed it earlier this year. The religious right people have filed another lawsuit to challenge the new law, but hopefully the Supreme Court will uphold it this time. Spectrum should consider filing an amicus brief with the court in 1997.

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These are highlights of activities and progress in 1996. It was a busy year. Much was accomplished, but there is still a lot more to do to promote the rights of single people.

The **Governor of Colorado** has expressed an interest in the concept of domestic partnership. In March 1996, Governor Romer vetoed a bill to ban same-sex marriage. He told the legislature that if it were to send him another bill, with minor modifications, he would sign it. Although he is against gay marriage, Romer said that he felt that something should be done to prohibit discrimination against domestic partners. Seeing an opportunity, Spectrum sent materials to Romer about dp benefits. We also made contact with a long-time associate, attorney Bill Reynard. Bill is 78 years old, lives in Denver, and had been on the national board of the ACLU for many years. At our request, he has had meetings with the Governor and his staff about setting up a study commission on domestic partnership or family diversity. Now that the election season is over, we are waiting for the Governor to take some action in 1997.

The **Governor of New Jersey** has also expressed an interest in domestic partnership. Spectrum has sent Governor Whitman a package of dp materials. We should do some follow-up in 1997, especially since we have other contacts in New Jersey.

Growing Political Support for Domestic Partnership Rights

Spectrum has focused some of its attention on gay rights leaders to get them to support domestic partnership rights as a more realistic approach than the push for gay marriage. The year started off with virtually all gay leaders only pushing for marriage rights. Mailings were sent by Spectrum to many organizations throughout the nation. **Log Cabin** invited Tom Coleman to do a presentation on dp at its national convention in San Diego. Coleman did interviews with various publications. Letters were sent to key activists. Then, little by little, some leaders began to see the light.

Life Lobby agreed to support multiple strategies for ending discrimination, including support for dp. The **National Gay Task Force** sent out a press release in September encouraging activists to press for dp rights. As of now, the following leaders have expressed support for dp and an inclusive definition of family: Prof. Martin Duberman (Center for Gay and Lesbian Studies, City University of New York); Elizabeth Birch (Human Rights Campaign); Keith Boykin (National Black Gay and Lesbian Leadership Forum); Paula Ettlbrick (Empire State Pride Agenda); Prof. Nancy Polikoff (American University); John Hassell (author).

Tom Coleman received two telephone calls in the past week confirming his prediction that dp will take more of a center stage in 1997. Prof. Art Leonard is on the planning committee for the **National Conference of Gay Lawyers** which will be held in Los Angeles in October 1997. Art wants to have two panels on dp: one on employee benefits and the other on legislative strategies. He asked if Tom would help put the panels together. Then, Tom received a call from David Link telling Tom that another gay leader that he knows (Tom