

Move on for Same-Sex Marriages

By Philip S. Gutis

New York Times News Service

Since the early 1970s, when seven states, including New York, rejected the idea of allowing homosexual couples to marry, the issue has been all but dormant.

But suddenly the debate has been revived. Among the most significant reasons for the renewed interest, gay-rights leaders say, is the AIDS epidemic, which has brought questions of inheritance and death benefits to many people's minds.

Last month, the annual convention of the influential State Bar of California urged recognition of marriages between homosexual couples.

"The message is one of fundamental fairness," said State Bar President Alan I. Rothenberg.

"It is unfair to deny people very substantial benefits solely on the basis of their sexual orientation."

The group's resolution, which suggests changing the California civil code to define marriage as a "personal relation arising out of a civil contract between two people," does not become official policy unless it is adopted by the group's board of governors.

In any case, it is expected to influence other bar associations to consider similar moves.

In the meantime, opponents of homosexual marriage are preparing for a fight. "We do see this as a major battleground in the 1990s," said Gary L. Bauer, who was President Reagan's domestic affairs adviser and who now heads the Family Research Council in Washington.

Same-sex marriage "would undermine deeply held and broadly accepted ideas of normalcy," Bauer said.

"We have customs against such things because it has been the consensus of 2,000 years of Western civilization that such arrangements were to be discouraged."

Several European countries, including Sweden and the Netherlands, are beginning to grant rights to unmarried couples.

In May, Denmark went the furthest when it became the first country to allow homosexual couples to join in "registered partnerships" giving them many of the rights of marriage.

Earlier this month, six male couples took part in civil ceremonies in Copenhagen in which they were legally joined and given certificates of partnership.

No one expects that a wave of state legislatures in the United States will follow Denmark's lead any time soon.

25 States With Sodomy Laws

Twenty-five states still have sodomy laws, though they are seldom enforced, and no state permits same-sex marriages.

But the issue has been rekindled by recent moves in Los Angeles, San Francisco, Seattle, New York and several other cities toward laws that give some fringe benefits to the unmarried partners of city employees.

Also important was the recent decision by New York's highest court that two homosexual men living together for a decade could be considered a family under New York City's rent-control regulations.

"The marriage exclusion is offen-

sive," said Nan D. Hunter, the director of the Lesbian and Gay Rights Project of the American Civil Liberties Union.

"It carries a strong symbolic as well as a legal message that lesbian and gay Americans are relegated to second-class status."

But some gay-rights leaders and their supporters, especially women, do not think homosexuals should fight to gain entry into an institution that many feminists find oppressive.

In the current issue of *Out/Look*, a national gay-rights quarterly, Paula L. Ettelbrick, the legal director of the Lambda Legal Defense and Education Fund, a gay-rights group, debated the issue with Thomas B. Stoddard, Lambda's executive director.

"Gay relationships," Stoddard wrote, "will continue to be accorded a subsidiary status until the day that gay couples have exactly the same rights as their heterosexual counterparts."

Ettelbrick argued that marriage will not be a liberating experience.

"In fact, it will constrain us, make us more invisible, force our assimilation into the mainstream and undermine the goals of gay liberation," she said.

Some gay-rights leaders feel that it might make more strategic sense to de-emphasize the goal of homosexual marriage and push instead for laws recognizing "domestic partnerships," people who live together as families, regardless of their sexual orientation.

"We are not seeking to redefine the idea of marriage or spouse, but to conform legal policies with how people are living," said Thomas F. Coleman, the co-director of the Family Diversity Project in Los Angeles.