

N.Y. gay-partner ruling brings hope to activists in California

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When New York's highest court ruled earlier this month that two male lovers are the legal equivalent of a family, it signaled hope to activists fighting for rights for unmarried domestic partners in California and other states.

The New York Court of Appeals ruling could make it easier to pass some form of a domestic-partners law in California, according to Kate Sproul, state lobbyist for the National Organization for Women, which is preparing a bill for the next session of the Legislature.

And Tom Coleman, a member of the California Legislature's Joint Select Task Force on the Changing Family, called the ruling the first major court decision establishing rights for domestic partners. He predicted it will help challenge sodomy laws in the 25 states that still have them. California is one of many states that have repealed such laws.

In its July 5 decision, the New York court said a partner in a decade-long gay relationship could take over the couple's rent-controlled apartment when the lover who signed the lease died. The court said the couple's long-term financial and emotional commitment made them "married" in the eyes of the law.

Sproul called the decision "exciting," saying it "recognizes that

families of today aren't necessarily like the families of the '60s and that a family unit consists of people loving and nurturing and caring for each other."

The ruling, she said, is a major "national signal that the climate is more conducive to domestic-partner legislation."

However, she indicated that on a statewide level, proponents will have to tiptoe into the Legislature with such proposals. The first NOW proposal may ask only that government and private employers be required to provide bereavement leave for gay and other non-married partners.

Nationally, the argument that a gay couple is a family probably "will be used in state courts around the country to challenge laws which still make private sex between consenting adults in the privacy of a home illegal," said Coleman, an attorney who teaches a class on the rights of domestic partners at the University of Southern California Law Center.

He said the U.S. Supreme Court's Hardwick decision, which upheld the rights of states to enact sodomy laws, "might have been different had the court viewed (the two lovers in the case) as a family relationship," rather than two people engaging strictly in an act of sexual gratification.

The New York ruling, Coleman said, is only one of many recent

gains by proponents of domestic-partner legislation:

✓ The same New York court struck down a zoning law that prohibited a group of unmarried elderly people from living together.

✓ San Francisco passed a law granting certain benefits and rights to unmarried partners of city employees.

✓ The Washington State Department of Human Rights said the American Automobile Association illegally refused to give two gay lovers the same membership discount offered to married couples. The same agency ruled in another case that it was illegal to provide health benefits for married couples but not unmarried couples, whether gay or heterosexual.

✓ The Madison, Wis., city council extended sick leave and bereavement leave to unmarried family partners, gay and heterosexual.

Despite the recent gains, proponents of benefits for gay and other non-married couples have strong opposition. The San Francisco ordinance was put on hold by a petition by a group demanding a referendum election on the issue. And last August, the California Supreme Court, citing "the state's interest in promoting marriage," limited the ability of unmarried people to sue for emotional distress.

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