

**NATIONAL ORGANIZATION FOR WOMEN
AND
DOMESTIC PARTNERSHIP RIGHTS**

**A PROPOSAL TO:
NOW, INC.
NOW FOUNDATION
NOW PACS
NOW LEGAL DEFENSE
& EDUCATION FUND**

**TO PROMOTE GENDER-NEUTRAL
DOMESTIC PARTNERSHIP LAWS
AND BENEFITS PROGRAMS
AND
TO OPPOSE SEXIST
RESTRICTIONS IN SUCH
LAWS AND PROGRAMS**

*SUBMITTED TO
PATRICIA IRELAND,
PRESIDENT OF NOW*

**THOMAS F. COLEMAN
EXECUTIVE DIRECTOR
SPECTRUM INSTITUTE
SEPTEMBER 14, 1998**

CONTENTS

| | |
|--|----|
| 1. Letter of Transmittal | 1 |
| 2. What NOW and its affiliates can do to promote gender-neutral domestic partnership laws and benefits programs | 3 |
| 3. How sexist domestic partnership laws and benefits programs violate principles endorsed by NOW .. | 4 |
| 4. Why NOW should cosponsor a Civil Rights Summit on Marital Status Discrimination | 5 |
| 5. NOW's Women-Friendly Workplace Campaign: statement of principles | 8 |
| 6. Domestic Partnership: A secular institution for nonmarital households (statement of principles) .. | 9 |
| 7. Coleman, "Domestic Partner Benefits: Meeting the Needs of Unmarried Workers," <i>The Self Insurer</i> , September 1996 | 10 |
| 8. Municipalities extending health benefits to domestic partners | 14 |
| 9. Municipalities with domestic partnership registries | 15 |
| 10. Employers providing domestic partner benefits to same and opposite sex partners: cost analysis .. | 16 |
| 11. Some larger companies offering domestic partner benefits to same and opposite sex partners | 17 |
| 12. <i>Foray v. Bell Atlantic</i> : A lawsuit to end sex discrimination in compensation and to provide equal benefits to domestic partners of employees regardless of gender: | |
| A. Press packet summary | 18 |
| B. Legal theory | 19 |
| C. Newspaper articles | 21 |
| D. What the radical right has to say .. | 25 |
| 13. Letters to the national president of NOW, urging NOW to publicly oppose sexist domestic partnership laws and programs: | |
| A. Sandra Washburn (victim of discrimination in Oakland) | 26 |
| B. Lloyd E. Rigler and Lawrence E. Deutsch Foundation: | |
| Letter of August 22, 1997 | 28 |
| Reply from Patricia Ireland | 30 |
| Letter of September 30, 1997, seeking clarification (no response from NOW) .. | 31 |
| Fax letter of November 7, 1997, again asking for reply (no response from NOW) | 32 |
| C. Spectrum Institute: | |
| Letter of August 20, 1998, seeking a meeting | 33 |
| Letter of July 31, 1998, about Massachusetts Governor | 34 |
| D. Alternatives to Marriage Project, letter of August 5, 1998 | 36 |
| E. Magnus Hirschfeld Centre for Human Rights, letter of August 7, 1998 | 38 |
| 14. Positions of Senior Citizen Organizations: | |
| Congress of California Seniors, against exclusion of opposite-sex couples | 40 |
| AARP, supporting inclusive domestic partnership ... | 41 |
| 15. Statements of Gay and Lesbian Rights Activists: | |
| Opposing exclusion of opposite-sex couples from domestic partner benefits programs ... | 42 |
| Supporting an inclusive approach to benefits | 52 |
| 16. Information about Spectrum Institute: | |
| Description of Projects / Mission Statement .. | 55 |
| Biographical Information on Exec. Director .. | 57 |
| Letters of reference and letters of support: | |
| Helen Neuborne, NOW Legal Defense and Education Fund | 59 |
| Deborah Chalfie, American Association of Retired Persons, Women's Initiative .. | 60 |
| Robert Rice, Family Service America .. | 61 |
| William Schendel, <i>Tumeo v. U of Alaska</i> | 62 |
| Congresswoman Patricia Schroeder ... | 63 |
| CA Assemblywoman Carole Migden ... | 64 |
| LA City Councilwoman Jackie Goldberg | 65 |
| Karen Vance, Lesbian & Gay Caucus, SEIU Local 535 | 66 |
| Pamela Martin, Hawaii Commission on Sexual Orientation and the Law | 67 |
| Robin Shahar, Assistant City Attorney, City of Atlanta | 68 |
| Joan Harper, City Planner, San Diego .. | 70 |
| Anne Guilfoile, Equality Colorado | 71 |
| Mary Bunauto, Gay & Lesbian Advocates and Defenders | 72 |

SPECTRUM INSTITUTE

A Non-Profit Corporation Promoting Respect For Human Diversity

September 14, 1998

Ms. Patricia Ireland
President, National Organization for Women
1000 16th Street N.W., Suite 700
Washington, DC 20036-5705

Thomas F. Coleman
Executive Director
Family Diversity Project

Re: Recommendations for action by NOW
to promote gender-neutral domestic partner laws and programs,
and to oppose sexist restrictions in such laws and programs

Dear Ms. Ireland:

I appreciate having the opportunity to meet with you today to discuss issues of mutual concern to our respective organizations, namely, discrimination based on sex, marital status and sexual orientation. I have dedicated much of my professional career over the past 25 years to fighting such discrimination through education and litigation. You also have a long track record of promoting programs designed to rid society of such bias.

Over the past year, I have sent you letters, faxes, and policy reports dealing with the recurring and growing problem of sexist domestic partnership laws and benefits programs. Since the cost of inclusive and nonsexist laws and programs is minimal, one must wonder why some cities have created "same-sex only" domestic partnership registries and why some public and private employers have excluded opposite-sex couples from domestic partnership benefits programs.

Laws and programs that require couples to be of the same gender are a form of sex discrimination. Their premise -- that those who are allowed to legally marry must do so in order to receive the same compensation and legal protections as married people -- has the undesirable effect of reinforcing and perpetuating marital status discrimination. Such programs play into the hands of the religious right and radical political right. We should not tacitly empower their ideological agenda.

NOW has affirmed in its "1998 Declaration of Sentiments" that: "We will not trade off the rights of one woman for the advancement of another. We will not be divided." Domestic partner laws and programs with gender restrictions -- giving benefits to unmarried same-sex couples but denying such benefits to unmarried opposite-sex couples -- have the undesirable effect of advancing the rights of lesbians who have domestic partners at the expense of heterosexual or bisexual women who have chosen domestic partnership rather than marrying their male life mates. Lesbians should be allowed to marry and gain benefits through the institution of marriage. And opposite-sex couples should have the choice to be domestic partners. NOW can advocate gender-neutral marriage laws and at the same time promote gender-neutral domestic partner benefits and legal protections.

SPECTRUM INSTITUTE

*Patricia Ireland, NOW
Letter of Transmittal
September 14, 1998*

This booklet was prepared for NOW, its affiliates, and its chapters, with the hope that NOW will take a firm position against sexism in domestic partnership laws and benefits programs. It is bad enough that the traditional institution of marriage is sexist. Do we really want to embed sexism into the newly emerging secular institution of domestic partnership? I think not. Adults of either sex should be able to form a nonmarital family unit with a partner of their choice, without suffering a penalty or discrimination for doing so.

Spectrum Institute, the Alternatives to Marriage Project, the Magnus Hirschfeld Centre for Human Rights, the LEDLER Foundation, and Sandra Washburn (speaking on behalf of the victims of sexist domestic partnership programs) all urge you and the directors of NOW and its affiliates and chapters to implement the eight recommendations outlined on the following page.

Thank you for meeting with me to discuss these important issues. Please let me know if I can be of any assistance as NOW develops an effective strategy to combat sexism in domestic partnership laws and programs. Implementing these recommendations will advance NOW's goal of ending marital status discrimination by the government and by private-sector businesses.

Very truly yours,



THOMAS F. COLEMAN

cc:

National officers and board
members of NOW

President and board members of
NOW Legal Defense and Education Fund

Presidents of all state chapters of NOW

WHAT NOW AND ITS AFFILIATES CAN DO TO PROMOTE GENDER-NEUTRAL DOMESTIC PARTNERSHIP LAWS AND BENEFITS PROGRAMS

1. The national board of directors of NOW, its foundation, its legal defense fund, and its political action committees, should each adopt a policy statement supporting gender-neutral domestic partnership laws and benefits programs. Policy statements should clearly articulate that NOW opposes sexist definitions of domestic partnership in such laws and programs.
2. The NOW Foundation and the NOW Legal Defense and Education Fund should file *amici curiae* briefs in the case of *Foray v. Bell Atlantic*, United States District Court, Southern District of New York, NO. 98 CV 2525, when the case is appealed to the federal Court of Appeals. These briefs should support the plaintiff's position that a domestic partner benefits program that excludes opposite-sex couples constitutes illegal sex discrimination in violation of Title VII of the Federal Civil Rights Act and in violation of the federal Equal Pay Act.
3. The next time a major corporation adopts a sexist domestic partner benefits program, the national president of NOW should issue a press release and hold a press conference calling on that employer to remove gender restrictions from the definition of domestic partnership.
4. The national president of NOW should send a letter to the several cities in the nation which exclude opposite-sex couples from their domestic partner benefits programs or registration laws. The letter should urge city council members to remove gender restrictions so that all couples may participate, regardless of the gender of the partners. Alternatively, the president should request the appropriate state chapter of NOW to send such a letter.
5. The national president of NOW should send a letter to Congressman Barney Frank commending him for introducing a gender-neutral bill in the House of Representatives which, if adopted, would extend health and other benefits to the domestic partners of federal employees. The president of NOW should write to Senator Paul Wellstone, asking him to remove the gender restriction from the domestic partner benefits bill he has introduced in the Senate which, as currently written, would exclude opposite-sex couples from its protections.
6. NOW's political action committees should ask all candidates about their position on domestic partner benefits and legal protections, stressing that NOW will only support candidates who endorse the adoption of non-sexist domestic partnership laws and programs.
7. The president of NOW should assign a staff member to participate in the newly-formed Marital Status Nondiscrimination Network, an alliance promoting respect for family diversity, equal pay for equal work, gender-neutral domestic partner protections, and fair treatment of unmarried individuals and couples.
8. The NOW Foundation and the NOW Legal Defense and Education Fund should cosponsor a Civil Rights Summit on Marital Status Discrimination to be held in Washington D.C. in the year 2000. The ACLU and AARP are also being asked to cosponsor this historic conference.

HOW SEXIST DOMESTIC PARTNERSHIP LAWS AND BENEFITS PROGRAMS VIOLATE PRINCIPLES ENDORSED BY NOW

1. NOW is pro-choice.

NOW supports and defends the freedom of choice protected by the right of privacy. In the field of procreation, it is the freedom of choice to bear a child *or not* which is protected. In the area of marriage, it is the freedom of choice to marry *or not* which the right of privacy safeguards. The same principle of independence in making family-related decisions should protect the freedom of choice of an unmarried couple to become domestic partners rather than married spouses, without fear of discrimination or penalty.

2. NOW is anti-sexism.

NOW has been a champion when it comes to the passage of statutes and constitutional provisions prohibiting sex discrimination by the government and by private businesses. This principle lies at the core of NOW's participation in lawsuits and legislative efforts to remove gender restrictions from marriage laws which currently exclude same-sex couples. The same principle should stimulate NOW to oppose domestic partnership laws and benefits programs that exclude opposite-sex couples. Silence by NOW will only encourage the new legal institution of domestic partnership to become as sexist as the institution of marriage is and has been.

3. NOW promotes women-friendly workplaces.

NOW is promoting a "Women-Friendly Workplace Campaign." The principles underlying the campaign include: (1) providing a workplace free of discrimination based on sex, sexual orientation, and marital status; (2) adopting workplace policies that are genuinely family friendly; (3) providing all employee benefits without discrimination based on sex; and (4) so as not to discriminate based on marital status or sexual orientation, providing the same benefits to same-sex and opposite-sex domestic partners as are provided to spouses. Domestic partner benefits programs that exclude opposite-sex couples from participation are a form of sex discrimination. Such programs are not "women friendly" inasmuch as they disrespect the rights of unmarried women employees who would rather be domestic partners with their male life mates, and deny medical benefits to the female life mates of male employees who choose domestic partnership rather than marriage.

4. NOW is committed to ending marital status discrimination.

In its 1998 Declaration of Sentiments, NOW reaffirmed its commitment to ending marital status discrimination. "Same-sex only" domestic partner benefits programs have the effect of reinforcing and perpetuating marital status discrimination by requiring opposite-sex couples to become married in order to obtain equal compensation with married employees and unmarried same-sex domestic partners.

Why NOW Should Cosponsor a Civil Rights Summit on Marital Status Discrimination

Marital status discrimination has been badly neglected by existing civil rights organizations. It generally “falls between the cracks” of litigation and legislative agendas of national and state groups which devote all or much of their time and budget to fighting discrimination.

In a way, marital status discrimination has been treated as the neglected “ugly stepchild” of the civil rights movement. This must change.

More than 40% of men and women in the United States are unmarried. In most major cities and metropolitan areas, unmarried persons actually constitute the majority of adults. Despite these large and growing figures, discrimination against unmarried individuals and couples is widespread.

The term “marital status” was first added to some municipal and state anti-discrimination laws in the 1970s, mostly due to the leadership of the National Organization for Women. NOW saw that marital status discrimination was closely linked to discrimination against women. However, NOW never received the backing from other civil rights and political groups that would have been necessary to build national momentum to fight marital status discrimination and to make it a priority issue.

To this day, the platform of the Democratic National Party does not mention marital status discrimination. Neither does the charter of the Democratic National Committee. While these organizations condemn sexual orientation and sex discrimination, they are conspicuously silent on the subject of marital status discrimination.

This is amazing, considering the fact that the “marital status gap” in voting trends is even more pronounced than the “gender gap.” Most unmarried adults vote for Democratic candidates. Most married adults vote Republican. And yet, the Democratic Party acts as if unmarried adults do not exist.

The American Civil Liberties Union has barely scratched the surface of marital status discrimination. Its history on this issue is mixed. Sometimes it ignores the problem and turns test cases away. While it published a book on “The Rights of Single People” some 13 years ago, the book has never been updated. Worse yet, it is omitted from a website list of ACLU publications.

While the ACLU has made “gay rights” a priority issue -- creating a national project and some local projects on this issue, pushing for legislation at the state and federal level to end such discrimination, and taking dozens of test cases -- the same may not be said for its role in dealing with marital status discrimination.

In one case, *Ayyoub v. City of Oakland*, the ACLU actually went so far as to file an amicus curiae brief to justify and support discrimination against unmarried opposite-sex domestic partners by the City of Oakland. The city had been ordered by the California Labor Commissioner to include opposite-sex couples in its domestic partner medical benefits program, which the city had tried to limit to same-sex couples.

Oakland would only give benefits to opposite-sex domestic partners if they married, even though these couples had deliberately chosen to be domestic partners rather than married spouses. The ACLU National Lesbian and Gay Rights Project filed a brief seeking to overturn the labor commissioner’s ruling. In other words, the ACLU sought to justify marital status and sex discrimination! Hopefully, this was an ad hoc decision and not a policy approved by the national board.

Unless marital status discrimination gets the attention it deserves, and until groups such as the ACLU, NOW, and the Democratic National Party make a major commitment to address this problem, the situation will get worse. The issue of marital

status discrimination could become relegated to a tragic footnote in the history of the civil rights, women's rights, and human rights movements, with a sad comment that it emerged and then disappeared during the 1970-1990 era of these movements.

Much can be learned from our neighbor to the north. In Canada, marital status discrimination has been made a priority issue. The Charter of Rights prohibits such discrimination.

The Canadian Supreme Court and provincial appellate courts have broadly interpreted the charter as well as provincial human rights laws prohibiting marital status discrimination. Provincial and federal legislatures have granted most of the rights that married couples enjoy to unmarried opposite-sex partners who live together as a nonmarital family unit. In the past few years, administrative human rights tribunals and provincial courts have extended most of these protections to same-sex couples living together in long-term relationships.

And yet, in this country the trend has been for national civil rights groups to push for gay rights, either ignoring singles and unmarried heterosexual couples or taking active steps to perpetuate and reinforce marital status discrimination against them.

Thus, most colleges, nearly half of private employers, and some municipalities that give benefits to domestic partners limit enrollment to same-sex couples, thereby forcing opposite-sex partners to get married to receive equal pay at work.

This practice is blatant discrimination on the basis of sex, sexual orientation, and marital status. Only one group in the nation, Spectrum Institute, is actively fighting such sexist programs, pushing for inclusive domestic partner benefits plans without gender-based restrictions for eligibility.

The insurance industry discriminates on the basis of marital status in many lines of coverage. The rationale for this practice is questionable, and the industry hides actuarial data on this issue from public scrutiny. But even if such data were to exist,

should it justify class-based discrimination?

What if data existed to show that African Americans, as a class, were higher risks than Caucasians? Or if Muslims or Atheists were greater risks than persons with other religious affiliations? Would civil rights groups accept this justification?

No! People should be treated on the basis of their individual merit and personal background, not on class stereotypes. This principle should apply equally to marital status discrimination.

The decision to marry or not to marry is protected by the fundamental right of privacy, much the same as freedom of procreative choice is. Freedom of choice is protected, not just the decision to enter into marriage or to procreate.

Marital status bias affects some constituencies more than others. Many seniors, for example, suffer from the so-called marriage penalties built into tax laws, pension plans, and government benefits programs. As a result, many divorced and widowed seniors choose not to marry. They either live alone, or with a roommate, or a domestic partner in an intimate but nonmarital relationship.

Divorcees, many who left a marriage for important personal reasons, might find insurance rates go up as a result of their new unmarried status, when in fact they may have been higher risks when they were in an abusive or dysfunctional marriage.

Most African American adults are not married. Because federal civil rights laws, and most state statutes, do not prohibit marital status discrimination, a landlord who does not want to rent to racial minorities can use marital status as a way to circumvent laws prohibiting racial discrimination.

Young people who want to defer marriage until they graduate from college or establish a career are also adversely affected. They may have excellent grades in school and hold down a responsible job, but are nonetheless classified by insurance companies or landlords as "careless

swinging singles,” and as a result they may be unfairly denied an apartment or forced to pay higher premiums for their automobile insurance.

It may be hard to believe, but children born out of wedlock are still labeled “bastards” or “illegitimate” by the laws in at least 14 states. These legislatures apparently believe that public policy should adopt the biblical admonition that “the sins of the parents shall be visited upon their children.”

Gays and lesbians are also hurt by marital status discrimination. Because same-sex couples may not marry, they cannot enter the legally privileged class of marriage. Legalizing same-sex marriage could help *some* of these couples.

However, even if marriage laws were to remove gender barriers, many gay people would not benefit. Why? Because many, and possibly most, would remain single or would choose to register as domestic partners rather than legally marry.

If groups such as the ACLU or Lambda Legal Defense Fund go to court now to justify discrimination against unmarried heterosexual couples on the theory that they can gain economic benefits and legal protections by marrying, they will be reinforcing marital status discrimination. Some day, if same-sex marriage were to be legalized, these organizations will have created a legal monster that will harm a large percentage of lesbians and gay men -- those who choose to remain single or who choose domestic partnership rather than marriage.

Marital status discrimination needs national attention. Existing civil rights organizations should take a hard and close look at how such discrimination adversely affects their constituencies.

Should the platform of the Democratic Party be amended to condemn marital status discrimination? Should the National Organization for Women rededicate itself to ending marital status discrimination and elevate this issue on its national agenda? Should the American Association of Retired Persons devote some of its vast resources to

promote civil rights for millions of older adults who are unmarried and who may be living in so-called nontraditional households?

Should the NAACP or the Rainbow Coalition take a look at how marital status discrimination affects African American adults, the large majority of whom are not married? Should the labor movement insist that “equal pay for equal work” is a principle worth fighting for, and thereby demand that single workers and those with domestic partners (of either gender) receive equal benefits compensation with their married coworkers?

Should gay and lesbian rights organizations remain allies with seniors, people with disabilities, and unmarried heterosexuals, making sure that these constituencies are not cut out of domestic partnership laws or employment benefits programs?

The answer to each of these questions should be a resounding and unqualified YES! After all, the rights of 78 million unmarried adults in the United States are affected by marital status discrimination.

While groups such as People for the American Way, Urban League, La Raza, MALDEF, American Jewish Committee, and others have done an excellent job in fighting racial, ethnic, and religious discrimination, they have not even begun to focus their attention on marital status bias.

Spectrum Institute invites the National Organization for Women, the ACLU, and other groups to cosponsor a Civil Rights Summit on Marital Status Discrimination to be held in Washington D.C. in the year 2000. The conference will develop strategies for combating marital status discrimination and promoting respect for family diversity for the first decade of the new millennium and beyond.

-- Thomas F. Coleman
Spectrum Institute
September 14, 1998

WOMEN-FRIENDLY WORKPLACE CAMPAIGN CONSUMER'S PLEDGE (ONLINE SIGNUP FORM)

Printable form also available

I am tired of my consumer dollars subsidizing discrimination. I hereby pledge to fight all forms of discrimination by spending my money at businesses that sign the Women-Friendly Workplace pledge. I will support businesses that:

- **T**reat all customers/clients equally and with respect, without regard to their sex, race, sexual orientation, age, marital or family status, pregnancy, parenthood, disability or size.
- **P**rovide a workplace free of discrimination based on sex, race, sexual orientation, age, marital or family status, pregnancy, parenthood, disability or size.
- **S**upport all employees in their efforts to balance work and family responsibilities. In this regard, companies not only meet the minimum requirements of the law but also strive toward policies that are genuinely family-friendly. (Such policies might include paid sick leave, flex-time, job sharing, child care and/or elder care benefits, family and medical leave for companies not legally obligated to provide it.)
- **D**o not tolerate sexual or racial harassment, but do educate all employees, including management, with regard to anti-harassment policies and rigorously enforce them.
- **E**nsure that any allegation of sexual or racial harassment, sexual assault or sex or race discrimination are promptly and thoroughly investigated, and ensure that employees making such allegations are protected from retaliation and are not required to seek redress from a workers' compensation board or forced to submit to arbitration in lieu of pursuing legal or statutory remedies.
- **H**ave an affirmative action program to ensure that women and people of color are included in the recruitment, hiring and promotion of employees.
- **D**o not tolerate sexist, racist, sexually-explicit or pornographic images in the workplace or at any company-sponsored events.
- **R**espect the laws that recognize the right of their employees to organize and establish an independent voice.
- **P**rovide all employee benefits without discrimination based on sex. Any health benefits offered cover the full range of reproductive health services -- including abortion.
- **D**o not discriminate on the basis of marital status or sexual orientation. Benefits provided to spouses of employees are also extended to domestic partners -- including same-sex couples.

First Name: Last Name:

Mailing Address:

Mailing Address 2:

DOMESTIC PARTNERSHIP

A SECULAR INSTITUTION FOR NONMARITAL HOUSEHOLDS

Domestic partnership was conceived as a gender-neutral relationship open to any two single adults regardless of sex or sexual orientation; recent attempts to limit it to same-sex couples distort the concept.

Domestic partnership was not intended as a substitute form of marriage for same-sex couples; it was always envisioned to be a family unit open to any two adults living together in a nonmarital household.

This philosophy of inclusion is based on several fundamentals:

The constitutional right of privacy protects the freedom of choice of single adults to form the family unit which they believe best serves their needs.

Discrimination on the basis of marital status, sex, and sexual orientation should be eliminated from public policies and private-sector programs.

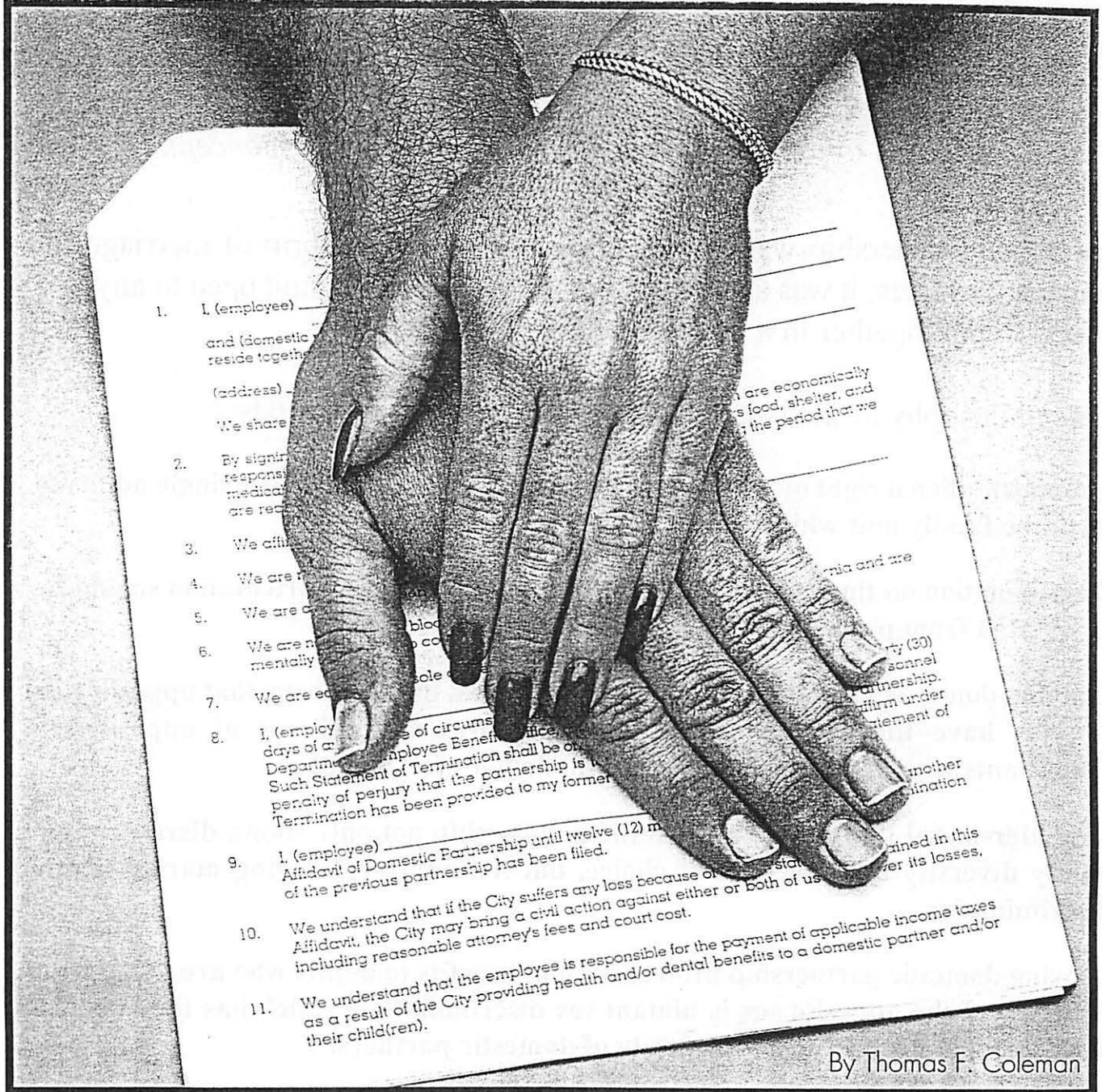
Limiting domestic partnership to same-sex couples, on the theory that opposite-sex couples have the option of matrimony, ignores the millions of opposite-sex cohabitants who, for reasons of their own, do not wish to marry.

A gender-based limitation on domestic partnership not only shows disrespect for family diversity and freedom of choice, but it reinforces existing marital status discrimination.

Denying domestic partnership protections and benefits to adults who are living with a person of the opposite sex is blatant sex discrimination, which has the effect of denying these benefits to the majority of domestic partners.

Cost has never been considered to be a legal excuse to discriminate. Nonetheless, the fiscal impact of expanding employee benefits programs to include all domestic partners regardless of gender is negligible. Also, public registries do not cost taxpayers anything.

DOMESTIC PARTNER BENEFITS



By Thomas F. Coleman

MEETING THE NEEDS OF UNMARRIED WORKERS

When women began entering the workplace in unprecedented numbers during the 1970s and 1980s, employers started to recognize female workers as a major economic and political force to be reckoned with. The sociological phenomenon of the 1990s involves singles in the workplace. Most employers have not yet acknowledged a major demographic shift in the marital status of their workers; however, when policymakers catch up with the reality of unmarried America, changes are likely to occur in employee benefits programs.

Recent reports from the U. S. Census Bureau demonstrate that the number of unmarried adults has been on the rise for years. In 1980, married couples lived in 60 percent of the nation's households. Ten years later, the number dropped to 55 percent. In California, it is expected that married-couple households will be a minority within the next four years.

The number of never-married adults more than doubled between 1970 and 1994, from 21.4 million to 44.2 million. In large measure, the increase is due to those who stay in college longer, live together without marriage, or marry later.

The numbers of divorced have quadrupled, from 4.3 million to 17.4 million, during the past 24 years. By the year 2000, projections indicate that about 40 percent of all individuals ever married will have experienced a divorce.

Single people already constitute a majority of the adults in many major cities. For example, the 1990 census showed the following percentages of single adults for several cities in Southern California: Los Angeles (54.1%), Pasadena (53.2%), Inglewood (56.5%), Long Beach (54.2%), Santa Monica (61.7%), and San Diego (51.5%). Northern California has its share of singles-dominated cities as well: San Francisco (60.8%), Sacramento (52.2%), Berkeley (68.1%), and Oakland (59.6%). In all, about 10 million unmarried adults live in California. Singles constitute the largest minority population in the Golden State.

On a national level, about seven unmarried couples cohabit for every 100 married couples, up from one in 100 in 1970. In 1993, the number of unmarried opposite-sex households in the United States was 3.5 million, compared with 523,000 in 1970. Add to that about 1.5 million households consisting of unmarried adults of the same sex and the current total soars to 5 million.

Adults living alone should not be left out of the demographic picture. About 25 percent of the nation's households consist of one adult. In some locations, the percentages of one-person households is even more remarkable. There are more than 2.6 million unmarried adults in New Jersey, for example. Here are the following single-adult percentages from three well-known cities: Atlantic City (40.6%), Hoboken (37.8%), and Hackensack (39.7%). Or, consider the following figures from Connecticut: Hartford (32.8%), New Haven (34%), and Middletown (31%).

Between 1970 and 1993, the number of women in the nation who lived alone rose from 7.3 million to 14.2 million, a 94 percent increase. During the same period, the number of men living alone rose from 3.5 million to 9.4 million, an increase of 167 percent.

With these demographics in mind, it should not be surprising that a growing number of workers are feeling cheated by their employers. Workers who are married receive health insurance for themselves and their spouses. Parents receive health benefits and child care for their minor children. Unmarried adults without dependent children, on the other hand, get benefits strictly for themselves. Worker A who is married might get \$6,000 in annual benefits when spousal benefits are considered, or worker B might get \$7,000 per year in benefits when spousal and dependent child benefits are factored in. However, worker C who is single and childless might receive only \$3,000 per year in benefits, even though she might be responsible for a domestic partner or elderly parent living at home.

Employers factor in lower benefits for single workers as they calculate their contributions to a pension plan or health

benefits plan. They count on single workers being paid less. As a result, a single worker is literally subsidizing the benefits of a married worker, even though the unmarried worker may outperform his or her married counterpart. This violates merit principles and reeks of marital status discrimination.

Polls have shown that most Americans believe in the concept of "equal pay for equal work." When employee benefits are considered, single workers may receive as much as 30 percent less pay than a married worker even though both are doing the same work. It is time for employers to rectify this inequity. A short review of the purpose and history of employee benefits programs should help provide the rationale for making adjustments in contemporary programs to eliminate unjust discrimination between married and unmarried workers.

Employee benefits programs were almost unheard of 50 or 60 years ago. Workers received a weekly wage and that was it. Eventually, things started to change, and some employers began to offer pension benefits as a way to retain their most skilled workers. The message was simple: "Stay with us until you retire and we will take care of you after that." Provisions were also made for a surviving spouse and dependent children in the event of the worker's death. This relatively minor change in the compensation formula ushered in a new age — the era of employee benefits.

An old-fashioned employer from yesteryear would faint at the sight of today's employee benefits programs. They are complex and diversified, so much so that many employers now offer a virtual "cafeteria" of benefits ranging from health, dental, and vision care, pension plans, employee assistance programs, tuition subsidies and legal services, to life and disability insurance, child care, and elder care. Although they were originally considered "fringe" benefits, these programs have become an integral part of an employee's overall compensation package. Benefits programs have grown to the extent that they now constitute between 25 percent to 30 percent, or more, of an employee's overall pay.

There are three major reasons why

With this history and development of employee benefits programs as a backdrop, there seems to be two ways in which an employer can modify existing plans to treat unmarried workers more fairly — either adopt a cafeteria-style benefits plan or create a domestic partnership benefits program.

employee benefits programs have expanded and diversified over the years: government incentives, a desire to increase productivity by helping workers meet their personal and family obligations, and a need to attract talented workers by matching the perks offered by competitors.

The federal government has encouraged the growth of benefits programs through tax incentives. While direct compensation in the form of a salary is taxable to the worker, most benefits are not. With this type of a lure, it does not make sense for an employer to pay a worker in cash that the employee will then use to purchase health insurance or other benefits, especially since providing the benefit instead is tax-deductible to the employer anyway.

Employers also know that productivity increases when a worker is not constantly distracted by personal and family obligations that are not being satisfied. The benefits program of the 1950s that included only pension and health benefits met the immediate needs of workers living in a nuclear family

with a breadwinner husband and homemaker wife caring for minor children. But with increasing numbers of delayed marriages, divorces, single parents, dual-earner households, and baby boomers with aging parents, the “one-size-fits-all” benefits program no longer works.

Single parents and dual wage-earners need child care, parental leave, flex time, and shared jobs in order to balance work and family obligations. Elder care is an attractive benefit for workers caring for aging parents. Those who have divorced and remarried want employers to expand the definition of “eligible child” to include stepchildren. Also, with employers more conscious of ecological concerns, incentives for carpooling and telecommuting are often added to benefits packages.

Employers want to attract and retain talented workers. In order to do this, they often must match the benefits being offered by their competitors. If Company A offers a flexible benefits program with a wide variety of options, but Company B has a limited menu, Company A may find it easier to attract

and retain the most talented workers in the industry.

With this history and development of employee benefits programs as a backdrop, there seems to be two ways in which an employer can modify existing plans to treat unmarried workers more fairly — either adopt a cafeteria-style benefits plan or create a domestic partnership benefits program.

An equitable cafeteria-style program would offer a wide range of benefits in order to meet the personal and family needs of a diverse workforce. Each worker in a given compensation category would be given a specific dollar credit toward benefits. Married worker A may use his subsidy for health, dental, and life insurance benefits for himself, his spouse, and his two minor children. Married worker B may already receive these benefits from her spouse’s employer and so she may want to use her subsidy for child care and tuition reimbursement. As a single parent, unmarried worker C may need all of her subsidy for child care for one child and preschool for the other. Unmarried worker D might select health and dental coverage for himself and his domestic partner. Unmarried worker E might want health care for herself and day care for her elderly mother. Unmarried worker F, who plans to remain single throughout his life, might put more money into his retirement account, knowing that he will not have children to care for him in his old age. This type of a benefits program is attractive because it does not impose the employer’s morals or personal views on the entire workforce though a rigid benefits program, but allows each employee to mix and match benefits to meet his or her lifestyle.

Domestic partnership benefits programs also help to eliminate discrimination against a significant segment of the workforce — those who are unmarried but who live with another adult as a household family unit. These programs were initiated by the *Village Voice* newspaper and by the City of Berkeley in the early 1980s. They got off to a

slow start, with a few employers jumping on the domestic partnership bandwagon each year. Today, hundreds of public and private employers offer domestic partnership benefits, and many of them allow a partner's minor children to qualify as a dependent child of the employee.

Studies by employee research organizations such as the Bureau of National Affairs, Hewitt Associates, *Congressional Quarterly*, and the International Association of Employee Benefits Plans have all reached the same conclusions. Instituting a domestic partnership benefits program will not break the bank. Only about 2 percent of the workforce is likely to sign up. In terms of premiums and claims, additional costs for domestic partners are no greater than (and in some cases are less than) the costs associated with adding a spouse. AIDS cases are extremely rare, and for same-sex female couples are virtually nonexistent. Furthermore, while the cost of a premature birth may rise to \$1 million, the total average cost of an AIDS case is about \$119,000.

Why should employers consider adding domestic partnership benefits? For the same reasons they have added other benefits in the past. They want to attract skilled workers and to compete with other companies for the best talent. They also want to maintain high morale in their current workforce; these benefits will affect retention and productivity. (Imagine the effect that worker resentment and anger would have on productivity if a segment of the workforce felt cheated by being paid less because of marital status!)

Employers also want to foster an environment of fairness and equality, especially as the workforce becomes more diverse. They also want to avoid lawsuits by workers who suffer from benefits discrimination. AT&T was sued a few years ago in federal court for such discrimination against domestic partners; a lawsuit filed against the University of Alaska is currently pending in the Supreme Court of that state. Regardless of the outcome, such lawsuits

are costly and create negative publicity for an employer.

The list of employers in the private sector that offer domestic partnership benefits is growing rapidly, and currently includes Apple Computer, Disney Corporation, Levi Strauss, MCA/Universal, Microsoft, Dayton Hudson Stores, Home Box Office, Borland International, Hewlett Packard, Blue Cross of Massachusetts and Blue Cross of New Hampshire, Adolph Coors, Sony Pictures, Eastman Kodak, and Air Canada.

In the public sector, the states of New York and Vermont offer domestic partnership benefits. A few counties do, including Los Angeles, San Francisco, and Multanomah, Ore. Many cities provide domestic partnership benefits, including New York, Los Angeles, San Diego, Sacramento, Berkeley, Seattle, Boston, Portland, Hartford, Conn., Burlington, Vt. and Cambridge, Mass.

None of these public or private employers have been forced to offer domestic partnership benefits by federal or state law. They have done so voluntarily. These employers are not giving away something for nothing. They have concluded that fairness in employee benefits programs holds dividends for the employer as well as the employee. Furthermore, the Internal Revenue Service has given its blessing to domestic partnership benefits, although workers whose partners are not truly "dependents" under the tax code must pay income tax on the value of the benefits conferred.

Employers have not experienced "adverse selection" by adding domestic partnership benefits because they have been using a restrictive definition of "domestic partner." A good example is the definition used by the City of Los Angeles, which requires that the employee and the partner: (1) must be in a committed and mutually exclusive relationship in which they are jointly responsible for each other's welfare and financial obligations; (2) must have resided together in the same principal

residence for at least 12 months and intend to do so indefinitely; and (3) must be 18 years of age or older, unmarried, and not blood relatives. Employees must sign an affidavit stating that each of these conditions has been met and that, if they commit fraud, they can be required to repay the employer. They cannot enroll a sick or ailing relative. There also is a waiting period, due to the normal enrollment timetables, as well as the 12-month living-together requirement.

With many employers, domestic partnership benefits were added as a result of collective bargaining. The Association of Federal, State, County, and Municipal Employees and the Service Employees International Union have been in the vanguard as advocates for domestic partnership benefits.

With a new century on the horizon, planning for the future should begin now. Companies can establish an internal study committee to devise ways to eliminate marital status and sexual-orientation discrimination from the workplace. Recent surveys have shown that more than 80 percent of the public believes that sexual orientation discrimination in employment is wrong and nearly 60 percent believe that partners should have the same rights to health and insurance benefits as married couples. With these types of public attitudes, and with an increasingly large number of unmarried workers, now is the time to develop plans for a cafeteria-style benefits program or for domestic partnership benefits. ■

Thomas F. Coleman is a national legal expert on sexual-orientation and marital-status discrimination, the definition of family, and domestic partnership issues. Coleman is executive director of the Family Diversity Project, dedicated to promoting the equitable treatment of all American families under the law. To reach his Los Angeles-based law offices, call (213) 258-8955.



MUNICIPALITIES EXTENDING HEALTH BENEFITS TO DOMESTIC PARTNERS

Opposite-Sex and Same-Sex Partners Included in Plan:

Arlington County, Virginia
Atlanta, Georgia
Berkeley, California
Bloomington, Indiana
Boston, Massachusetts
Burlington, Vermont
Massachusetts
Carroboro, North Carolina
Chapel Hill, North Carolina
Detroit, Michigan
Key West, Florida
King County, Washington
Laguna Beach, California
Los Angeles City, California
Los Angeles County, California
Middlebury, Vermont
Monroe County, Florida
Multnomah County, Oregon
New York City, New York
Oakland, California
Olympia, Washington
Pima County, Arizona
Portland, Oregon
Rochester, New York
Sacramento, California
San Diego, California
San Francisco, California
San Mateo County, California
Santa Cruz City, California
Santa Cruz County, California
Santa Monica, California
Seattle, Washington
Tumwater, Washington
Vancouver, Washington
West Hollywood, California

Same-Sex Partners Only:

Baltimore, Maryland
Chicago, Illinois
Denver, Colorado
Iowa City, Iowa
New Orleans, Louisiana
Philadelphia, Pennsylvania
Tucson, Arizona

STATES EXTENDING HEALTH BENEFITS TO DOMESTIC PARTNERS

Opposite-Sex and Same-Sex Partners Included in Plan:

New York
Oregon
Vermont

Same-Sex Partners Only:

None

MUNICIPALITIES WITH DOMESTIC PARTNERSHIP REGISTRIES

Opposite-Sex and Same-Sex Partners Can Register:

Albany, New York
Atlanta, Georgia
Berkeley, California
Boston, Massachusetts
Boulder, Colorado
Cambridge, Massachusetts
Carraboro, North Carolina
Chapel Hill, North Carolina
Hartford, Connecticut
Ithaca, New York
Key West, Florida
Laguna Beach, California
Long Beach, California
Madison, Wisconsin
Marin County, California
New Orleans, Louisiana
New York City, New York
Oakland, California
Palo Alto, California
Provincetown, Massachusetts
Rochester, New York
Sacramento, California
San Francisco, California
Santa Monica, California
Seattle, Washington
St. Louis, Missouri
Washington, DC
West Hollywood, California

Only Same-Sex Partners Can Register:

Ann Arbor, Michigan
Brookline, Massachusetts
Oak Park, Illinois

STATES WITH DOMESTIC PARTNERSHIP REGISTRIES

Bills Introduced:

California*
Colorado*
New York*

Enacted into Law:

None

* Proposed bill would allow registration for same-sex and opposite-sex partners.

EMPLOYERS PROVIDING DOMESTIC PARTNER BENEFITS TO SAME-SEX AND OPPOSITE-SEX PARTNERS: COST ANALYSIS

| Employer | Year DP Plan Began | Total in Workforce | Number Signed Up as DPs | % signed Up as DPs | Information Reported Regarding Costs including portion paid by employer, and experience with DP benefits plan |
|----------------------------|--------------------|--------------------|-------------------------|--------------------|---|
| Berkeley City (CA) | 1984 | 1,475 | 116 | 7.9% | DPs constitute only 2.8% of total health costs |
| Blue Cross of Mass. (MA) | 1994 | 6,000 | 78 | 1.3% | Cost information not reported by research source |
| Borland International (CA) | 1992 | 1,200 | 49 | 4.1% | Cost information not reported by research source |
| Cambridge City (MA) | 1993 | 500 | 4 | .8% | Cost information not reported by research source |
| Internat. Data Group (MA) | 1993 | 1,600 | 14 | .9% | Cost information not reported by research source |
| King County (WA)** | 1993 | 11,400 | 300 | 2.6% | Pays 100% of basic plan; no adverse consequences |
| Levi Straus & Co. (CA) | 1992 | 23,000 | 690 | 3.0% | Costs are same as <i>or less than</i> spouses |
| Laguna Beach City (CA) | 1990 | 226 | 6 | 2.7% | Costs are same as spouses |
| Los Angeles City (CA)** | 1994 | 34,500 | 448 | 1.3% | Costs are same as spouses; no adverse experience |
| Los Angeles County** | 1996 | 75,000 | 1,347 | 1.8% | Costs are same as spouses; no adverse experience |
| Multnomah County (OR)** | 1993 | 4,000 | 132 | 3.3% | Cost information not reported by research source |
| New York City** | 1994 | 497,210* | 2,790 | .6% | Pays 100% of basic plan; no adverse experience |
| New York State** | 1995 | 320,000* | 2,000 | .6% | Pays 25% of cost / no adverse experience |
| Olympia (WA)** | 1995 | 530 | 12 | 2.3% | Pays portion for dependents; nothing adverse |
| Rochester (NY)** | 1994 | 2,900 | 100 | 3.4% | Costs are same as spouses / no adverse experience |
| Sacramento City (CA)** | 1995 | 4,000 | 15 | .4% | City doesn't pay for DPs; worker gets group rate |
| San Diego City (CA)** | 1993 | 9,300 | 50 | .5% | City doesn't pay for DPs; worker gets group rate |
| San Francisco City (CA) | 1991 | 32,900 | 296 | .9% | City doesn't pay for DPs; worker gets group rate |
| San Mateo County (CA)** | 1992 | 4,200 | 138 | 3.3% | Cost information not reported by research source |
| Santa Cruz City (CA)** | 1986 | 800 | 23 | 2.9% | Costs are same as spouses / non-union not eligible |
| Santa Cruz County (CA) | 1990 | 2,100 | 33 | 1.6% | Costs are same as spouses |
| Santa Monica (CA)** | 1994 | 1,100 | 34 | 3.1% | City pays for DPs; costs are the same as spouses |
| Seattle City (WA)** | 1990 | 10,000 | 500 | 5.3% | 2.5% of total health costs; less than spouses |
| Vermont State** | 1994 | 9,000 | 280 | 3.1% | State pays 80% for dependents; nothing adverse |
| Xerox Corporation | 1995 | 47,000 | 100 | 0.2% | Pays \$1,000 per year toward DP health coverage |
| Ziff Communications (NY) | 1993 | 3,500 | 75 | 2.1% | Cost information not reported by research source |
| Total | | 1,099,401 | 9,630 | 0.9% | Costs are same <i>or less than</i> for spouses. No adverse consequences reported by any employer. |

** Benefits managers at these employers were interviewed by Spectrum Institute during March and April 1997.

* Includes retirees.

Other data was gathered from employee benefits publications, e.g., Hewitt Associates, Bureau of National Affairs, Commerce Clearing House, International Foundation of Employee Benefits Plans, etc.

(Revised 5-1-97)

**Some of the Larger Companies
Offering Domestic Partner Benefits
to Same and Opposite-Sex Partners**

Utilities

Edison International
Nevada Bell
Pacific Gas & Electric
Pacific Telesis
Pacific Bell

Oil Companies

Amoco
Chevron
Mobil
Shell

News

Bureau of National Affairs
Hearst Corporation
New York Times
Reuters

Health Insurers/Providers

Blue Cross of Massachusetts
Kaiser Permanente of California
Kaiser Permanente of Hawaii

Banks

American Savings Bank
Bank of America
Bank Boston
Bank of Hawaii
Nations Bank (1999)
Northern Trust
Wells Fargo
Union Bank

Others

Boreland International
Digital Equipment Corp.
Eastman Kodak
Hewlett Packard
Levi Straus
Outrigger Hotels
Xerox

SPECTRUM INSTITUTE

PRESS PACKET SUMMARY

Foray v. Bell Atlantic

A lawsuit to end sex discrimination in compensation and to provide equal benefits to domestic partners of employees regardless of gender.

Principles at Issue:

- * Equal pay for equal work regardless of sex, sexual orientation, or marital status.
- * Freedom of choice of employees to structure a family unit without discrimination.
- * Respect for family diversity and acknowledgment of the value of human bonding.

Legal controversy:

Bell Atlantic has a program extending employment benefits to workers with domestic partners. The program is restricted to same-sex partners only. Paul Foray works for Bell Atlantic. He and his female domestic partner have lived together as a family for several years. Foray applied for benefits for his domestic partner. The company refused because Foray is a male. If he were a female, the company would grant the benefits. Bell Atlantic informed Foray that in order for him to receive benefits for his partner, they must get legally married. Foray filed a complaint with the Equal Employment Opportunity Commission (EEOC). The EEOC issued a letter granting Foray the right to sue Bell Atlantic for sex discrimination under Title VII of the federal Civil Rights Act. Foray has filed suit under that Act as well as the Equal Pay Act which prohibits discrimination in wages or other compensation on the basis of sex.

National trends:

- * Domestic partnership was intended for all unmarried couples, not just gays and lesbians.
- * The Census Bureau reports that 69% of unmarried partner households are opposite-sex couples.
- * All states with domestic partner benefits allow same and opposite-sex partners to participate.
- * 35 out of 42 municipalities with domestic partner benefits are open to opposite-sex partners.
- * 28 out of 31 municipalities with domestic partner registries are open to opposite-sex partners.
- * Of all employers in the USA with domestic partner plans, only 21% are limited to same-sex couples.
- * Other utilities, such as Pacific Bell, Nevada Bell, Pacific Gas & Electric, and Edison International, provide benefits to all domestic partners regardless of gender.
- * Communications Workers of America recently negotiated a contract for same and opposite-sex domestic partners of employees working for telephone companies on the West Coast.
- * 1,270 businesses contracting with San Francisco offer benefits to same and opposite-sex partners.
- * Non-sexist domestic partner plans are not costly; on average, enrollment only goes up by 1%.
- * NOW supports fair domestic partner plans that do not discriminate on the basis of sex.
- * Seniors organizations support programs that include same and opposite-sex domestic partners.
- * Many gay rights groups encourage employers to adopt plans for same and opposite-sex partners.
- * A law proposed by Rep. Barney Frank covers same and opposite-sex partners of federal workers.
- * The state labor commissioner in California ruled that excluding opposite-sex partners is illegal.
- * Pennsylvania's Insurance Department ruled that a "same-sex only" health insurance plan is illegal.
- * Santa Barbara and Oakland ended "gays only" plans and opened them up to all domestic partners.

Foray v. Bell Atlantic

Legal Theory

Under current federal law, an employer may decide to restrict benefits to an employee, a legally married spouse, or dependent children. However, neither federal nor state law requires an employer to limit the granting of health or other benefits solely to the lawful spouse of an employee.

For example, many companies have a cafeteria-style benefits plan where the employer contributes an identical amount of money to the benefits account of each employee in a particular pay scale and job classification. The employee is then allowed to use this benefits contribution in the way that best suits his or her particular personal or family needs.

Other employers, such as Bank of America, have created an “extended family” benefits program. This plan is over and above what the employer contributes to health, dental, and vision benefits for dependent children of an employee. Under the “extended family” plan, each employee may designate one adult household member to receive benefits, so long as the beneficiary is either: (1) a spouse; or (2) a domestic partner of either sex, as defined; or (3) a close blood relative (parent, adult child, grandparent, adult grandchild, sibling) who is a dependent of the employee as defined by the Internal Revenue Service for income tax purposes. Only 1.4% of employees signed up for this program, with 1% being for domestic partners and the remaining .4% for dependent blood relatives.

Hundreds of employers have adopted domestic partner benefits plans whereby the employer pays all or a portion of health, dental, vision, or other benefits for the domestic partner of an unmarried employee. The majority of these employers do not restrict this benefit to gay and lesbian couples but allow all domestic partners to participate regardless of gender. On a national average, about 1% of employees sign up for participation in inclusive domestic partner programs of this sort.

There is nothing legally suspect about the cafeteria-style plans, the extended family plans, or the inclusive domestic partnership programs. However, once an employer restricts participation to same-gender partners of employees, the limitation can be legally challenged as sex discrimination in violation of Title VII of the federal Civil Rights Act or the federal Equal Pay Act.

The health benefits programs of private employers are immune from legal attack under state or municipal civil rights laws. That is because a federal law, known as ERISA, preempts such local nondiscrimination laws when it comes to benefits. However, ERISA does not preempt lawsuits filed under federal civil rights laws.

As seen below, the denial of benefits to Paul Foray is clearly a case of sex discrimination:

Example A

male cable splicer at Bell Atlantic
with company for 28 years
lives with female domestic partner
DENIED benefits for partner

Example B

female cable splicer at Bell Atlantic
with company for 28 years
lives with female domestic partner
GRANTED benefits for partner

The only variable determining whether the company will allow the employee to participate in the domestic partner benefits program is the sex of the employee. As a result, the female cable splicer is being paid hundreds of dollars more per year than her male counterpart when the financial contribution of Bell Atlantic toward health, dental, and vision benefits is taken into consideration.

Legal theory (continued)

Bell Atlantic may argue that Foray can receive benefits for his domestic partner if the couple were to marry. However, this argument fails to take into account two important factors.

First, the constitutional right of privacy protects the freedom of choice of individuals in highly personal matters such as marriage, family, and procreation. It is not marriage or procreation which are the constitutionally protected rights, but rather the freedom of choice to marry or not to marry, and the freedom of choice to procreate or not to procreate.

An employer has no business telling an employee that he must choose marriage rather than domestic partnership in order to obtain equal compensation. This personal matter has no bearing on a worker's ability to perform his job in a competent and professional manner. Being a domestic partner rather than a spouse is a non-merit-related factor which is not a bona fide occupational qualification. In other words, the fact that Foray can marry his partner is not a legal defense to the allegation that Bell Atlantic's domestic partner benefits program involves sex discrimination.

An analogy will help. Ordinarily, an employer does not have to provide health benefits to employees. However, once a plan is provided, it *must* be nondiscriminatory. A health plan that interferes with an employee's procreational choice can be challenged immediately if it provides free medical services to those who choose to give birth but denies services to those who wish an abortion. The same reasoning applies to the choice to marry or to be domestic partners.

Secondly, the Bell Atlantic benefits plan constitutes illegal sex discrimination by imposing greater burdens on opposite-sex couples by requiring them to become legally married in order to obtain benefits while it imposes lesser burdens on same-sex couples who can gain such benefits by simply registering as domestic partners.

The disparity of burdens imposed by Bell Atlantic can be seen in the following comparison:

Requiring opposite-sex couples to marry in order to obtain benefits:

Opposite-sex couples:

- Must get marriage license
- Must pay a fee for the license
- Must have blood tests
- Must participate in formal ceremony
- Must assume obligation of support, potentially for a lifetime
- Are subjected to adultery laws
- Must share community property, in community property states
- Must go to court in order to divorce
- Must pay court fees for the divorce

Allowing same-sex couples to obtain benefits by registering as domestic partners:

Same-sex couples:

- No marriage license required
- No licensing fee required
- No blood tests required
- No formal ceremony required
- No lifetime obligation of support
- No adultery laws apply
- No community property required
- No divorce proceeding necessary
- No cost for dissolution
- Partners need only to live together and share basic living expenses

One can see why many opposite-sex couples may prefer to be domestic partners rather than spouses. The fact that same-sex couples can not legally marry is not the fault of Bell Atlantic or any of its employees. It is a legal reality which exists outside of the employment context.

It should be emphasized that Bell Atlantic does not have to impose a marriage requirement on anyone. The company is legally able to have a domestic partnership benefits program open to all couples, or a cafeteria-style program, or an extended family plan, or any other benefits package that does not discriminate. However, the current gender restriction violates federal civil rights laws.

Worker: Bell's biased because I'm *not* gay

By AL GUART

A veteran Bell Atlantic employee sued the telephone giant yesterday for denying health benefits to his live-in girlfriend because they are not a gay or lesbian couple.

Paul Foray, a Bell Atlantic cable splicer for 28 years, charged his employer with sexual discrimination for refusing to cover his "domestic partner" of four years, Jeanine Muntzner.

"If I was a woman, I would have no problem insuring Miss Jeanine," Foray said outside the Manhattan federal courthouse. "But I'm not, and therein lies the discrimination."

Bell Atlantic allows for "same-sex

domestic partners" to receive medical, dental and vision benefits, but requires heterosexual couples be married to get coverage.

"We just choose at this point not to get married and we don't feel the company has a right to dictate what our marital status should be," Muntzner said when asked why the pair doesn't just tie the knot.

Last June, the firm turned down Foray's bid to include Muntzner under the "same-sex domestic partner" policy, noting that the provision was created because same-sex partners do not have the legal option of marrying.

Foray claims Bell Atlantic owes him \$360,000 in lost benefits and

damages and said the "same-sex" policy is driven by a desire to be "politically correct."

"This company and others, in their haste to be politically correct, have trampled on the rights of people like us," Foray said.

Foray's lawyer, Linda Cronin, said the suit should help clear up the definition of what a "domestic partner" is, arguing that it could include same-sex roommates who have no sexual relationship.

"Aside from extending benefits to opposite-sex partners, we're hoping this lawsuit will clear up any ambiguities in this very vague policy," Cronin said.

Bell Atlantic spokesman Steve

Marcus said the firm defines "same-sex domestic partners" as two adults who live together, are over 18, unmarried, who have no blood ties and are "jointly responsible for each others' welfare and living expenses."

But whether the applicants are involved sexually is not a factor the company considers, Marcus said.

In a written statement, Bell Atlantic said Foray filed a similar suit in state court last year and withdrew it.

"Now the plaintiff's attorney is trying again, this time in federal court," the statement read. "We believe this lawsuit has no merit, either."

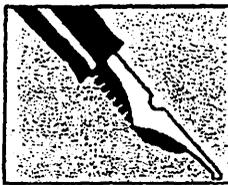
LEGAL BRIEFS

PARTNER REBUFFED:

A man whose domestic partner is a woman filed a lawsuit in a federal court in New York May 18, charging that his employer's benefits policy discriminates against him because it allows benefits for the partners of Gay employees and married heterosexuals but not for him.

The lawsuit, according to the Bureau of National Affairs' *Daily Labor Report*, alleges that the Bell Atlantic telephone company's policy violates a section of the federal Civil Rights Act known as Title VII, as well as the federal Equal Pay Act. Title VII prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. The Equal Pay Act prohibits discrimination on the basis of sex in employment compensation.

According to the *Labor Report*, Bell Atlantic has had the policy for two years. The employee, Paul Foray, filed his lawsuit after the company denied his application to provide benefits for his female partner, noting that heterosexual couples can become eligible for the benefits by marrying, whereas same-sex couples cannot marry. Using an argument similar to one being used by same-sex couples in Hawaii seeking a marriage license, Foray argued that the benefits denial is discrimination based on sex because, if he were a woman, his partner would be eligible for benefits.



The

SERVING THE NATION'S CAPITAL SINCE 1969

Washington Blade

This Week's Top News

JUNE 12, 1998

**EMPLOYMENT & LABOR LAW****Same Benefits For Hetero, Gay Couples?****Suit: policy discriminates against unmarried couples.**

BY DAVID E. ROVELLA

NATIONAL LAW JOURNAL STAFF REPORTER

The National Law Journal (p. B01)
Monday, June 1, 1998

AT A TIME WHEN MANY companies are providing benefits packages for same-sex domestic partners, a lawsuit filed May 15 in New York federal court has raised the issue of whether those companies must also provide the same benefits to heterosexual domestic partners.

Experts traditionally argue that heterosexual couples have the option of getting such benefits through marriage, whereas gay couples do not. But plaintiff Paul Foray, 52, a New York cable splicer for Philadelphia-based Bell Atlantic Corp., alleges that the added costs of marriage, let alone any resulting divorce, are a heavier burden than consummating or dissolving a same-sex partnership. Therefore, he argues, the double standard is discriminatory under Title VII of the Civil Rights Act of 1964.

In January 1996, Bell Atlantic instituted a health benefits plan that listed as "eligible dependents" an employee's "same-sex domestic partner." But Mr. Foray's request that his domestic partner, Jeanine Muntzner, 44, be considered such a dependent was denied.

In his complaint, Mr. Foray's lawyers argue that "[i]f Foray's gender were female, he would be entitled to claim his domestic partner as...a dependent."

His lawyer, Linda Cronin, of Lake Success, N.Y.'s Trager, Cronin & Byczek L.L.P., said she is challenging a policy that "discriminates on the basis of sex and promotes unequal compensation." She is seeking \$500,000 in damages.

But Bell Atlantic lawyers, who last year fended off a similar suit in state court, said Ms. Cronin wants to create new law. "He was denied benefits not because he has a girlfriend, but because he isn't married to her," said Bell Atlantic counsel Lisa M. Birkdale, who, along with Jill L. Rosenberg, of the New York office of San Francisco's Orrick, Herrington & Sutcliffe L.L.P., is defending the company. "If the employee is female and the partner male, we send the same letter."

Bankruptcy—Consumer Protections**Clinton Makes Clear His Opposition To House Needs-Based Bankruptcy Bill**

While President Clinton supports “needs-based” consumer bankruptcy reform that requires responsibility of debtors who have the ability to repay a portion of their debts and that prevents abuse of the bankruptcy system by both creditors and debtors, he strongly opposes the House’s version of consumer bankruptcy reform legislation (H.R. 3150) in its current form, Acting Director Jacob L. Lew of the Office of Management and Budget made clear. OMB routinely assists the president regarding budget and legislative proposals.

H.R. 3150 was favorably reported out of the House Judiciary Committee May 18. See 66 LW 2734.

In a May 21 letter to the bill’s sponsors—Reps. George W. Gekas (R-Pa), Bill McCollum (R-Fla), James P. Moran (D-Va), and Rick Boucher (D-Va)—Lew reaffirmed statements made in an earlier letter from the administration to House Judiciary Committee Chairman Henry J. Hyde (R-Ill). The May 21 letter came in response to a May 11 letter from the bill’s sponsors asking President Clinton to join the “bipartisan effort to pass responsible and fair bankruptcy reform legislation and sign the legislation when it reaches” his desk later this year.

Specifically, the administration stated that it opposes a provision in the bill that would establish a rigid and arbitrary “means test” to determine whether a debtor could file for bankruptcy under Chapter 7 or would be required to file under Chapter 13. “Bankruptcy courts should have greater discretion to consider the specific circumstances of a debtor in bankruptcy,” Lew stated.

Child Support Issue Is Sticking Point. In addition, the administration opposes a provision in H.R. 3150 that would make certain credit card debts nondischargeable. Generally, Lew explained, the Bankruptcy Code makes nondischargeable debts only where there is an overriding public purpose, as with debts for child support and alimony payments, educational loans, tax obligations, or debts incurred by fraud. “There has been no sufficient finding that current protections against fraud and debt run-up prior to bankruptcy are ineffective and that the additional debts made nondischargeable by this bill rise to that level of public priority,” the acting OMB director declared.

Moreover, Lew said, by making these credit card debts nondischargeable, the bill puts them in competition with payments to former spouses or custodial parents after the debtor emerges from bankruptcy, which could diminish the ability of debtors to fulfill their child support and alimony obligations.

While he acknowledged that recent amendments made during the House Judiciary Committee’s markup were improvements, he indicated that they do not effectively eliminate the problem. A similar argument was made by House Democrats during markup of H.R. 3150 and by Senate Democrats during markup of its version of consumer bankruptcy reform legislation (S. 1301). The Senate Judiciary Committee favorably reported S. 1301 out of committee May 21. See 66 LW 2734.

In conclusion, the administration expressed its willingness to “work with the Congress on a balanced package of reforms that addresses these concerns and requires responsibility on the part of both debtors and creditors.”

H.R. 3150 and S. 1301 are available in full text at <http://thomas.loc.gov> on the THOMAS Web site maintained by the Library of Congress.

Employment Discrimination—Sex**Suit by Bell Atlantic Employee Seeks Health Coverage for Opposite-Sex Partner**

NEW YORK—A male Bell Atlantic Corp. employee has filed a lawsuit alleging that the communications company violated federal antidiscrimination laws when it denied an application for benefits coverage for his female domestic partner. (*Foray v. Bell Atlantic Corp.*, DC SNY, No. 98-3525, complaint filed 5/18/98)

The suit, filed May 18 by plaintiff Paul Foray of Seaford, N.Y., alleges that a Bell Atlantic policy instituted in January 1996—when the company’s northeastern operations were known as Nynex Corp.—violates Title VII of the 1964 Civil Rights Act and the Equal Pay Act by limiting benefits eligibility to same-sex domestic partners.

The policy treats same-sex domestic partners as dependents eligible for medical, dental, and vision care benefits, as well as for coverage under provisions for beneficiary designations, leaves, relocation, life insurance, and adoption reimbursement.

No Coverage for Opposite-Sex Partners. When Foray sought health care coverage for his female domestic partner in June 1997, a company benefits manager denied his request on the grounds that “same-sex domestic partners cannot marry, while opposite-sex partners can,” according to the complaint.

Foray’s application met all eligibility criteria “except for the fact that he is male and his partner is female,” according to the complaint. The company’s “sole criteria” for denying Foray the benefits coverage “was his sex, relative to that of his domestic partner.” The plaintiff added: “All things being equal, if [Foray] were female, he would be entitled to claim his domestic partner as an eligible dependent under the benefits plan.”

Foray seeks \$61,507 in compensatory damages plus \$300,000 in punitive damages.

In a November 1997 charge filed with the New York City Human Rights Commission, Foray argued, “Essentially, Nynex is telling opposite-sex domestic partners that they must get married (thereby imposing burdens on the employee, such as the need for health tests, the need for a marriage ceremony, potential lifetime obligations of support for the partner, and the need for a divorce proceeding to terminate the relationship) in order for the employee’s partner to become eligible under the plan.”

In a brief statement, Bell Atlantic officials said they believe the lawsuit to be without merit. “We believe that our policy on domestic partner benefits complies fully with all applicable laws and regulations,” the company said.



Homosexual Partner Benefits Chip Away at Traditional Marriage

The Washington Times reports that a phone company worker is suing Bell Atlantic, contending his employer should allow the same health benefits for his live-in girlfriend as it would for a homosexual partner (Washington Times, 5/19/98).

The phone company worker, Paul Foray, is seeking \$485,000 in damages in his lawsuit, filed in Manhattan. "This is about equality," he stated. According to Foray, the policy held by Bell Atlantic rewards unmarried same-sex partners, but excludes unmarried partners of the opposite sex who live together.

Bell Atlantic denied benefits for Mr. Foray's live-in partner, Jeanine Muntzner. Mr. Foray's lawyer, Linda M. Cronin, stated that "the policy [is] discriminatory because Miss Muntzner, if she were a man living with Mr. Foray, would qualify for benefits."

Bell Atlantic defends their immoral domestic partnership policy because homosexuals are not allowed to marry. They say that while heterosexual partners can get benefits by marrying, gay couples don't have that legal option.

This once again proves the undermining effect that domestic partnership policies have on the institution of marriage. If Mr. Foray wins his lawsuit, he will create a precedent which legally legitimizes live-in partnership as a form of 'marriage.'

Further, Bell Atlantic insults the institution of marriage by insinuating that marriage exists solely as a means to gain benefits. Marriage is not a step to be taken lightly and should not be merely the signing of a piece of paper. It is a covenant relationship made between a couple before God.

And finally, this policy encourages a lack of morality. Granting gay couples benefits opens the door to heterosexual live-in partner benefits and other immoral arrangements.

Concerned Women for America

**Concerned Women for
America**

The nation's largest pro-family women's organization

Sandra Washburn
299 Glen Drive (lower)
Sausalito, CA 94965

February 26, 1998

Ms. Patricia Ireland
President, National Organization for Women
1000 16th Street N.W., Suite 700
Washington, DC 20036-5705

Re: Discrimination by City of Oakland

Dear Ms. Ireland:

I am writing to you to request assistance from NOW in my attempt to secure equal health benefits for domestic partners regardless of sex or sexual orientation.

My domestic partner, Majid Ayyoub, works for the City of Oakland as an engineer. He and I have registered as domestic partners with the Oakland city clerk.

I have received vision and dental benefits as a result of a city program that extends such benefits to all domestic partners of city employees, regardless of gender.

However, the city has instituted a medical benefits plan with Prudential Health Care of California, in which it refused to enroll domestic partners who are not gay or lesbian. My partner applied for such benefits for me but the city refused. The only reason given by the city was that we are not a same-sex couple.

Majid complained to the state Labor Commissioner and won the case. The city appealed and lost. However, the city stubbornly continued to refuse enrollment to opposite-sex domestic partners in the Prudential plan.

We complained to Prudential and to the state Corporations Commissioner who oversees HMOs in California. As a result of their intervention, the city has agreed to enroll all domestic partners regardless of gender, BUT, the city won't contribute a penny for my coverage. Why? Because I am not a man.

The city wrote to us and explained that it will make a monthly contribution of \$298 for medical coverage for a same-sex couple, but will only contribute \$149 for an opposite-sex couple (the single party rate). This is blatant sex discrimination. If I were a man, or if Majid were a woman, the city would compensate Majid \$1788 more per year for doing the same work as he does now. This is unequal pay on the basis of gender. It is sex discrimination in employment. And it is sexual orientation discrimination because the city's intent is to give extra compensation only to unmarried gay and lesbian couples.

Majid and I are all in favor of domestic partner benefits for gays and lesbians. However, we believe that domestic partnership should be open to any two adults, regardless of gender.

The city has basically told me that in order to get equal medical benefits, that Majid and I must get married. By doing this, the city is intruding on our freedom of choice. Majid and I have chosen to be domestic partners rather than a married couple. The city should respect that decision.

I am not the only woman in the country who is a victim of this type of discrimination. Another couple in Oakland has stepped forward to complain. Allan Edwards is a city fire fighter and has been for 26 years. He has lived with his domestic partner, Jerry Sanchez, for 25 years. If Allan were to have Jerry placed on the Prudential plan, the same problem exists. The city would not contribute any money toward her medical coverage because they are not a same-sex couple. If they were a gay couple, the city would pay \$431 to the plan, but since they are straight, the city will only pay \$264 (the single party rate for fire fighters). If Jerry were a man, or Allan a woman, the city would increase the contribution to pay for all but \$97 of the \$538 two-party rate. As a result, Allan would get paid \$2,004 more per year than he does now -- the only difference being his gender.

I also have learned of a straight couple on the East Coast going through a similar ordeal with Bell Atlantic. Paul Foray works for that company. He applied for health benefits for his domestic partner, Jeanine Muntzer. The company would not put Linda on the plan because they are not a same-sex couple. Again, another woman has been denied medical coverage because an employer placed gender restrictions on domestic partnership.

NOW's "Women-Friendly Workplace" campaign says it all. It condemns discrimination in employee benefits based on marital status, sex, and sexual orientation. It requires that the same benefits provided to spouses be provided to domestic partners, regardless of gender.

I need your help. Please send a letter to the mayor of Oakland, opposing the city's policy of compensation based on gender, that is, making a two-party contribution to the medical plan of a same-sex couple but only contributing a one-party rate for opposite-sex domestic partners. You may write to: Mayor Elihu Harris, One City Hall Plaza, Third Floor, Oakland, CA 94612. If you send me a copy of the letter, I will make sure that it is distributed to all council members.

I noticed that NOW opposed the legalization of single-gender gyms and health clubs in Massachusetts this year. According to Cheryl Garrity, president of Massachusetts NOW, the new law undercuts gains made over the past 30 years to end discrimination on the basis of sex and sexual orientation. Discrimination against opposite-sex domestic partners in the workplace also deserves NOW's condemnation.

Sincerely yours,



Sandra Washburn

**Lloyd E. Rigler - Lawrence E. Deutsch
Foundation**

August 22, 1997

Ms. Patricia Ireland
President
National Organization for Women

Re: The need for a gender-neutral
definition of domestic partnership

Dear Ms. Ireland:

As you may know, I have been a major donor to NOW's Legal Defense and Education Fund. I support NOW because the organization seeks to preserve and strengthen the right of privacy which protects freedom of choice in personal matters such as marriage, family, and reproduction. I also agree with NOW's positions against discrimination based on sex, marital status, and sexual orientation.

I am writing to you to enlist the support of the National Organization for Women for a gender-neutral definition of domestic partnership. I assume that NOW agrees with the creation of public registries that give basic humanitarian protections to single adults living together as domestic partners. I also assume that NOW supports the extension of employment benefits to domestic partners as a method of insuring "equal pay for equal work" which helps eliminate discrimination from the workplace.

California has been a leader in the creation of domestic partner benefits programs. Berkeley was the first municipality in the nation to extend domestic partner benefits to public employees. When it adopted this program in 1984, the issue of limiting domestic partnership to same-sex couples, or adopting a program that was gender neutral, was debated. The idea of making domestic partnership a gay institution was soundly rejected. Politics of inclusion carried the day.

San Francisco grappled with the domestic partnership issue for several years. There were votes by the Board of Supervisors, mayoral vetoes, voter initiatives and referenda, and much public debate. Again, over the course of several years, the idea of limiting domestic partnership to same-sex couples was debated and rejected. San Francisco has maintained an inclusive law despite attempts to exclude opposite-sex couples from its protections. In fact, the city has expanded the law so that public funds may not be given to employers that do not have an inclusive domestic partner benefits program.

Today, there are many municipalities in California and throughout the nation that have adopted a domestic partner program of one sort or another. Some are public registries that guarantee limited humanitarian protections for the registrants. Others have benefits programs for public employees.

LEDLER Foundation

Patricia Ireland / National Organization for Woman

August 22, 1997

Page Two

Until about three years ago, all public-sector domestic partnership programs were gender neutral and therefore were open to any two single adults who were unrelated but who were nonetheless living together in the same household and sharing the common necessities of life. The overwhelming majority of private-sector programs were also gender neutral.

Unfortunately, a disturbing trend is beginning to emerge. A few municipalities that have recently adopted domestic partnership ordinances have included restrictions based on sex, thereby limiting participation to same-sex couples only. This is blatant sex discrimination. Among cities with discriminatory domestic partnership programs are Chicago, Denver, and Tucson. Cities considering such sexist programs include Milwaukee, Philadelphia, and Pittsburgh.

Whereas gender-neutral domestic partner programs in the private sector once predominated the field, today the number of sexist workplace benefits programs is disturbingly large. The entertainment industry leads the pack of discriminatory employers, Disney and MCA Universal included. These sexist models should not be applauded. Rather, these companies should be encouraged to eliminate gender restrictions from their domestic partnership programs. Reliable data shows that, on average, inclusive programs only raise health benefits costs by about one percent. This won't break the bank.

It is refreshing that companies such as Bank of America, Chevron, Shell Oil, Eastman Kodak, and Mattel have adopted programs for all domestic partners regardless of gender. These corporations studied the fiscal ramifications and found no financial barriers to adopting an inclusive program.

However, unless national civil rights organizations, such as the National Organization for Women, speak out on this issue, inclusive programs may soon become the minority, as sexist definitions of domestic partnership are quietly adopted by more corporations and municipalities.

I am enclosing some materials developed by Spectrum Institute on this issue. Please review them and pass them along to your board of directors and others within NOW and its affiliates.

I would like Thomas Coleman, executive director of Spectrum Institute, to meet with you to discuss this matter further. Please let me know when you will have some time to meet with him.

Eliminating sex discrimination from the definition of domestic partnership should be a project of great interest to NOW. With your help, we can stop this alarming trend and prevent domestic partnership from turning into a sexist institution that reinforces and perpetuates marital status discrimination.

Best regards,



Lloyd E. Rigler



National Organization for Women, Inc.

1000 18th Street, NW, Suite 700, Washington, DC 20036-5705 (202) 331-0066 FAX (202) 785-8576

September 17, 1997

Mr. Lloyd Rigler
Lawrence E. Deutsch Foundation
P.O. Box 828
Burbank, CA 91503-0828

SEP 25 1997

Dear Mr. Rigler:

Thank you for your letter regarding domestic partnership. Let me assure you that NOW supports fair domestic partnership laws that do not discriminate based on sex. Our very successful Women-Friendly Workplace campaign includes a call for employers to eliminate all discrimination in the workplace — including discrimination based on marital or family status.

Thank you very much for the Spectrum Institute materials. Please have Mr. Coleman call the NOW office so that we can make time to meet with him. He also should feel free to forward any additional materials to my office.

For your information, I have enclosed some information on NOW's Women-Friendly Workplace campaign. Please help us further our work on these important employment issues by signing the pledge and joining the campaign. I have also enclosed a membership application so that you might join NOW. (If you are already a member, please pass it on to a supportive friend.)

Again, thank you for the materials and your letter. Thanks also for your ongoing support of NOW and the feminist movement.

Yours for NOW,

Patricia Ireland
President

Enclosures

**Lloyd E. Rigler - Lawrence E. Deutsch
Foundation**

September 30, 1997

Ms. Patricia Ireland
President, National Organization for Women
1000 16th Street N.W., Suite 700
Washington, DC 20036-5705

Re: Exclusion of opposite-sex couples from
domestic partnership laws and programs

Dear Ms. Ireland:

Thank you for responding so promptly to my letter regarding the need for a gender-neutral definition of domestic partnership. I was particularly pleased to see that NOW's Women-Friendly Workplace campaign includes support for domestic partnership benefits programs and that NOW's definition of domestic partnership includes all unmarried couples regardless of the gender of the partners.

After reading your letter to me, and reviewing the principles of the Women-Friendly Workplace campaign, I would like to summarize my understanding of NOW's position on domestic partnership laws and benefits programs. I hope you find my characterization of these principles to be accurate.

NOW supports the passage of domestic partnership registration laws that extend basic humanitarian protections and benefits to unmarried adults who are living together and who share the common necessities of life. Since NOW supports a gender-neutral definition of domestic partnership, it opposes registration laws that exclude opposite-sex unmarried couples from participation.

NOW opposes discrimination on the basis of sex, marital status, sexual orientation, and family status in workplace benefits programs. As a result, NOW supports the extension of employee benefits to domestic partners. Since NOW supports a gender-neutral definition of domestic partnership, it opposes programs that refuse to give equal benefits to unmarried partners of the opposite-sex. Requiring unmarried opposite-sex partners to marry in order to receive equal benefits reinforces and perpetuates marital status discrimination, and NOW opposes such an approach.

When you get a chance, I would appreciate a short reply confirming whether or not my understanding is correct.

Best regards,



Lloyd E. Rigler

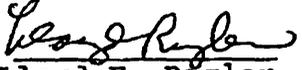
**Lloyd E. Rigler - Lawrence E. Deutsch
Foundation**

September 30, 1997

Ms. Patricia Ireland
President, National Organization for Women
1000 16th Street N.W., Suite 700
Washington, DC 20036-5705

11/7/97 Ms. Ireland:

I just wanted to make sure you received this letter. I haven't yet received a reply and thought it may have been lost in the mail.


Lloyd E. Rigler

Re: Exclusion of opposite-sex couples from
domestic partnership laws and programs

Dear Ms. Ireland:

Thank you for replying so promptly to my letter regarding the need for a gender-neutral definition of domestic partnership. I was particularly pleased to see that NOW's Women-Friendly Workplace campaign includes support for domestic partnership benefits programs that include unmarried couples regardless of the gender of the partners.

After reading your letter to me, and reviewing the principles of the Women-Friendly Workplace campaign, I would like to summarize my understanding of NOW's position on domestic partnership laws and benefits programs.

NOW supports the passage of domestic partnership registration laws that extend basic humanitarian protections and benefits to unmarried adults who are living together and who share the common necessities of life. Since NOW supports a gender-neutral definition of domestic partnership, it opposes the enactment of registration laws that exclude opposite-sex couples.

NOW opposes discrimination in the workplace, including discrimination in employee benefits programs, on the basis of sex, marital status, sexual orientation, and family status. As a result, NOW supports the extension of employee benefits to domestic partners. Since NOW supports a gender-neutral definition of domestic partnership, it opposes programs that refuse to give equal benefits to unmarried partners of the opposite-sex. Telling unmarried opposite-sex partners that they must get married in order to receive equal benefits reinforces and perpetuates marital status discrimination, and NOW opposes such an approach.

I would appreciate a short reply from you confirming whether or not my understanding is correct.

Best regards,


Lloyd E. Rigler

P.O. BOX 828 - BURBANK, CA 91503-0828 USA / TEL (213) 878-0283 - FAX (213) 878-0329

SPECTRUM INSTITUTE

A Non-Profit Corporation Promoting Respect For Human Diversity

August 20, 1998

Ms. Patricia Ireland
President, National Organization for Women
1000 16th Street N.W., Suite 700
Washington, DC 20036-5705

Thomas F. Coleman
Executive Director
Family Diversity Project

FAX Transmission
2 pages

Re: Request to meet with you on Sept. 14 or 15

Dear Ms. Ireland:

About one year ago, Lloyd Rigler wrote to you about sexist domestic partnership benefits programs adopted in recent years by some government entities and some private sector employers.

On September 17, 1998, you wrote back to Mr. Rigler, assuring him that "NOW supports fair domestic partnership laws that do not discriminate based on sex." In that letter (see attached copy), you told Mr. Rigler to "have Mr. Coleman call the NOW office so that we can make time to meet with him." You also encouraged me to forward additional materials to your office on this issue.

During the past year, I have written to you several times about the recurring problem of sexist domestic partnership benefits plans. I sent you materials about the problem in Oakland, which has finally been corrected. I forwarded information about seniors groups supporting non-sexist definitions of domestic partnership. Material was sent about a federal lawsuit filed against Bell Atlantic for sex discrimination under Title VII and the Equal Pay Act. More recently, I faxed you information about the conflict in Massachusetts where the state Legislature wanted a gender-neutral domestic partnership benefits program for the City of Boston, but the Governor vetoed the city's home rule petition, insisting that he would only support a sexist plan limited to same-sex couples.

I will be in Washington D.C. on September 14 and 15 and would like to accept your offer to meet with me. Hopefully, NOW can take a public position against sexist domestic partner benefits programs. Just last week -- in your own backyard -- the Washington Post adopted a plan excluding opposite-sex partners, in effect forcing them to get married if they want equal compensation at work.

I would be available to meet with you anytime on Monday, September 14, or in the afternoon of September 15. Spectrum's board member from Washington D.C., Margarita Contreras, will call your office tomorrow, August 21, to schedule a time for this meeting.

Yours truly,



THOMAS F. COLEMAN

SPECTRUM INSTITUTE

A Non-Profit Corporation Promoting Respect For Human Diversity

July 31, 1998

Ms. Patricia Ireland
President, National Organization for Women
1000 16th Street N.W., Suite 700
Washington, DC 20036-5705

Thomas F. Coleman
Executive Director
Family Diversity Project

Re: Massachusetts Governor Threatens Veto
of Inclusive Domestic Partnership Bill

Dear Ms. Ireland:

I am writing again to urge you to take a public position against sexist domestic partnership benefits laws and programs.

The City of Boston sent a home rule petition to the Massachusetts Legislature, asking for permission to implement a domestic partner benefits program for city employees. The city's proposal was not limited to "gays only" but included all unmarried couples regardless of gender.

Both houses of the Legislature unanimously approved the home rule petition earlier this week. The House also passed a non-binding resolution, urging the city to adopt an inclusive plan similar to the one implemented by Bank Boston. Under that plan, an unmarried employee may designate one adult to receive benefits, so long as the adult is either a domestic partner of either sex, or is a dependent blood relative who lives with the employee and who is not eligible for Medicare. The Bank Boston plan was patterned after a program used by Bank of America.

Under the Bank of America plan, enrollment only increased by 1% for domestic partners and .4% for dependent blood relatives, for a total increase of 1.4%. That is a minimal cost for fairness and inclusiveness.

The Governor of Massachusetts has now declared that he will veto the home rule petition because it is open to all domestic partners regardless of sex. He will only approve a sexist plan that is limited to same-sex couples. This is amazing, especially since the inclusive home rule petition was passed by both houses unanimously. The Governor's stand seems to be politically motivated to appeal to conservative Republicans and the religious right.

This would be an excellent time for NOW to speak up. A state Legislature has done the right thing by passing a gender-neutral domestic partnership benefits law. A state Governor insists on inserting a sexist restriction into that law. If ever there was a time for national leadership against sexism, this is certainly it.

SPECTRUM INSTITUTE

*Patricia Ireland
National Organization for Women
July 31, 1998
Page Two*

I know that NOW took a position against the legislative proposal to legalize single-gender gyms and health clubs in Massachusetts. A proposal to legalize sexism in employee benefits programs is certainly as important an issue.

I hope that NOW takes this opportunity to speak out. I look forward to your reply.

Yours truly,



THOMAS F. COLEMAN

cc:

Alternatives to Marriage Project
Magnus Hirschfeld Centre for Human Rights
American Association for Personal Privacy
LEDLER Foundation

Encl.:

Boston Globe article
House resolution

ALTERNATIVES TO MARRIAGE PROJECT

120 B Pond Street, Sharon, MA 02067 • (781) 793-9911 • atmp@netSPACE.org • www.netSPACE.org/atmp

August 5, 1998

Ms. Patricia Ireland
President, National Organization for Women
1000 16th St. NW, Suite 700
Washington, DC 20036-5705

Dear Ms. Ireland:

We are writing to urge you to take a public stance in support of inclusive, non-sexist domestic partner benefits. We know that the National Organization for Women has always supported equal pay for equal work, and that is exactly what this issue is about.

We are the founders of the Alternatives to Marriage Project, a new national organization that provides resources, advocacy, and support to people who have chosen not to marry, are unable to marry, or are in the process of deciding whether marriage is right for them. There are over four million unmarried couples in this country, and one-third of these couples have children.

In Massachusetts, Acting Governor Paul Cellucci this week vetoed a domestic partner bill passed unanimously by both houses of the legislature because he wanted the law to restrict such benefits to same-gender couples only. A same-gender only domestic partners law, however, would discriminate against other domestic partners on the basis of sexual orientation, marital status, and sex. The majority of employers who have implemented domestic partner policies have used an inclusive definition of domestic partner. Cost is not an issue, since enrollment in non-sexist domestic partner plans increases only 1% on average.

We firmly believe that the amount of compensation an employee makes should have nothing to do with the choices he or she makes in his or her personal life. It is not the role of government nor employers to limit an employee's freedom to choose a domestic partner of any gender.

We believe that the support of the National Organization for Women will lend a

powerful voice to the call for non-sexist domestic partner benefits. We hope you will take a public stance on this issue, which is affecting an growing number of women and families.

Sincerely,



Dorian Solot



Marshall Miller

THE MAGNUS HIRSCHFELD CENTER FOR HUMAN RIGHTS
CROSSWICKS HOUSE
551 VALLEY ROAD, SUITE 169
UPPER MONTCLAIR, NEW JERSEY 07043-1832
TELEPHONE: (201) 237-3406 FACSIMILE: (973) 744-2513

VIA FACSIMILE: (609) 393-8123
August 7, 1998

Ms. Bear Atwood, President
National Organization for Women - New Jersey
112 West State Street
Trenton, New Jersey 08608

RE: Discrimination in Existing and Proposed Domestic Partnership Legislation/Corporate Policies

Dear Ms. Atwood:

I am writing to you to signal my concern, and that of my colleagues, over an issue that has become an increasingly serious threat to hard-won gender equality as well as the principles of fairness and non-discrimination: ends to which the Hirschfeld Center, like NOW, has devoted its efforts.

As you are surely aware, a number of political jurisdictions and private enterprises have recently made accommodation to provide spousal health and other benefits to persons engaged in committed relationships outside of the traditional (and legally recognized) marriage bond. Many of such persons are homosexual, with a life partner of the same gender as himself or herself and hence under current law barred from contracting marriage. All existing and proposed domestic partnership schemes, to their credit, envisage accommodating such individuals.

Regrettably, a number of proposals have been put into effect or are being put forward that would limit such benefits to persons of the same gender who are (at present) unable to contract marriage. Over the past several days, as you may be aware, domestic partnership legislation in the city of Boston was imperiled on account of a divergence of views on the part of city and state legislators as to who should benefit by such legislation. Those who would limit such spousal benefits to same-sex couples appear to make the argument, as Massachusetts' acting governor recently did, that the provision of an alternative to marriage for heterosexual couples would contribute to the dissolution of families and promote "absentee fatherhood."

As you may also be aware, there has recently been commenced in the U.S. District Court for the southern district of New York a lawsuit by Bell Atlantic employees charging their employer with sexual discrimination owing to that employer's having in place a discriminatory domestic partnership benefits scheme that excludes partners of differing genders (*Foray v. Bell Atlantic*, docket no. 98 CV 3525).

Those holding to the view that domestic partnership status should be accorded to all qualifying persons, irrespective of gender, are supported by the weight of legal authority. Such authority holds that the denial of domestic partnership status to partners on the basis of the genders comprising such a partnership is a clear violation of international law (as embodied in the International Covenant on Civil and Political Rights, to which the United States is a signatory), federal law (as embodied in Title VII and the Equal Pay Act of 1963, inter alia) and state laws prohibiting sexual discrimination in employment and sexual orientation discrimination.

I had the pleasure of speaking at length yesterday with your colleague, Ms. Elizabeth Volv, in relation to the foregoing. She informed me, and I was extremely gratified to learn, that NOW's

national organization had in fact officially taken a position favoring non-discrimination in domestic partnership availability.

It is my hope that your organization, and in fact the national organization of NOW, will put into active effect the sentiments embodied in its official position, and will speak out on behalf of and work to support the enactment of inclusive domestic partnership legislation and non-discriminatory corporate policies.

Such support by an organization of the caliber of the National Organization for Women would be invaluable (actually, indispensable) in advancing the possibility for all persons, lesbian, gay, bisexual and straight, to enjoy the right to a workplace free from gender discrimination.

The favor of your reply is respectfully requested.

Thank you very much for your consideration.

Yours sincerely,



William A. Courson
Executive Director

cc:

Ms. Elizabeth Volv, Actions Vice President
National Organization for Women - New Jersey

Ms. Patricia Ireland, President
Ms. Jan Erickson, Director of Governmental Relations
Ms. Cindy Jordan, Coordinator - Lesbian Rights Project
National NOW Action Center
1000 Sixteenth Street, N.W., Suite 700
Washington, DC 20036-5705
(Via Facsimile: 202-785-8576)



CONGRESS OF CALIFORNIA SENIORS

CALIFORNIA'S VOICE FOR THE NATIONAL COUNCIL OF SENIOR CITIZENS



March 11, 1998

Honorable Elihu Harris
Mayor of Oakland
One City Hall Plaza – 3rd Floor
Oakland, CA 94612

Dear Mayor Harris:

I am writing on behalf of the Congress of California Seniors to urge that the City of Oakland change its Domestic Partners Policy to end the discrimination against benefits to opposite-sex domestic partners. It is ironic that the current Oakland policy will not permit opposite-sex domestic partners to receive health benefits while permitting same sex partners to receive the same benefits.

The Congress of California Seniors, which is a statewide organization with over 500,000 affiliated members, opposes discrimination against any domestic partners. We believe that access to health care is basic and should be available to the broadest possible groupings in our society.

Many people choose nontraditional relationships for a variety of reasons. They should not be punished for such choices. We strongly urge you implement changes in your policy to correct this unfortunate situation.

Sincerely,

A handwritten signature in cursive script that reads 'Bill Powers'.

Bill Powers, Chair
Legislative Committee



MAR 20 1997

Bringing lifetimes of experience and leadership to serve all generations.

March 18, 1997

CALIFORNIA STATE OFFICE
980 9th Street, Suite 700
Sacramento, CA 95814-2727
(916) 446-AARP (2277)
FAX (916) 556-3000

Hon. Martha M. Escutia, Chair
Assembly Judiciary Committee
State Capitol Building, Room 3146
Sacramento, CA 95814

STATE LEGISLATIVE
COMMITTEE

Re: AB 54 (Murray)

Executive Committee
Jack Philp, Chair
Ernest Ayala, Vice Chair
Jean Richardson, Secretary
Karen Raasch, Coordinator,
Capital City Task Force
Mary Tucker, Past Chair
Malcolm Tucker, State Coordinator
AARP/VOTE, ex officio

Dear Assemblymember Escutia:

The AARP State Legislative Committee, representing over 3 million members in California, voted to support AB 54 (Murray), as introduced December 2, 1996; an act relating to domestic partnership: registration and termination.

This bill would aid, strengthen, protect, and promote committed family relationships by extending, to unmarried couples, a limited number of rights and privileges enjoyed by married couples. We stress and support the bill's limitations which require applicants for domestic partnership registration to comply with a strict set of qualifications and provides registered domestic partners with a list of rights, specifically the right for hospital visitation, the right to be appointed a conservator for their partner, and probate-related rights. The bill provides for the registry to be fee driven, thereby adding no costs to the state or taxpayers.

This is an issue of importance to the senior community due to the large number of senior citizens who gain companionship, security, and independence by living with a partner, but choose not to marry due to laws and regulations governing Social Security benefits, pensions, and family obligations.

Should you have any questions or wish further details on our position, please contact Dwain Treadwell, AARP State Legislative Committee member at (916) 823-1146; or Helen Savage, AARP Legislative Representative, at the AARP California State Office (916) 446-2277.

Sincerely,

Jack Philp, Chair
AARP California State Legislative Committee

cc: Members, Assembly Judiciary Committee
Dwain Treadwell, Member, State Legislative Committee
Helen Savage, State Legislative Representative

Members
Jean Carpenter
Walter Coombs
Al Gross
Margaret Helton
Clyde Hostetter
Ewalker James
Raymond Kaldenbach
James Knowles
Julia Lee
Zoe Ann Murray
Rose Oliver
Lloyd Poff
Eleanor Patton
Mary Roberts
Dwain Treadwell
Cliff Wanamaker

Capital City Task Force
Eddi Benjamin
Pita Brandeis
Gene Cartwright
Charlene Drennon
Gerald McDaniel
William Powers
Everett Raasch
Bill Wiedner
Eva Williams

Staff
Helen Savage
Ralph Clouse

Gay and Lesbian Activists and Organizations

What they have said about the
need to respect all family choices,
and the need to include all unmarried
couples, regardless of gender, in
domestic partnership programs.

* * *

Professor Arthur S. Leonard
New York Law School

Paula Ettelbrick, Esq.
Empire State Pride Agenda
New York State

James Levin, Esq.
New York City Attorney

Rudolph Serra, Esq.
Detroit Human Rights Commissioner

William B. Kelley, Esq.
Chicago Attorney

Zeke Zeidler
California Assembly Candidate

Supervisor Tom Ammiamo
San Francisco

Dr. Christopher Carrington
San Francisco State University

Lesbian Rights Project
San Francisco

**Statement of
Professor Arthur S. Leonard
New York Law School**

"If we are serious about the proposition that all people should be free to decide whether to marry or to structure their family life in some alternative way, and we are also serious about the concept of equal pay for equal work, then we should be supporting inclusive domestic partnership plans that do not discriminate based on the sex of the participants and their partners."

* * *

Professor Arthur S. Leonard is one of this country's most eminent authorities on sexual orientation and the law. He is the editor of *Lesbian and Gay Law Notes*, a monthly publication which surveys and analyzes national legal and political developments involving personal privacy, sexual orientation, domestic partnership, and AIDS related issues. He is the author of several legal books and law review articles on these subjects, and is a respected and learned presence wherever law and ethics conjoin.

**Statement of
Paula L. Ettelbrick, Esq.
Empire State Pride Agenda**

"The primary goals of domestic partnership have always been two-fold: first, to achieve workplace equity in the distribution of critical economic benefits, and second, to recognize the reality of how many people structure their family lives.

"Not all of us fit neatly into the formalized structure of family as defined by marriage or blood. Most families are much more free-form and diverse than these structures allow for.

"But what we share -- gay or straight, married or not, with children or without -- is a commitment to love and care for each other which keeps the fabric of American society together."

* * *

Paula Ettelbrick is one of the nation's foremost advocates for lesbian and gay family recognition. However, she does not believe that such recognition must come at the expense of other family configurations. As a result she supports inclusive domestic partnership programs and opposes "gays only" plans.

As the Legislative Counsel for New York's statewide lesbian and gay political group, Paula advocates in the state and local legislatures on a range of gay and lesbian issues. She was the prime architect and advocate for the recently introduced New York City domestic partnership bill that would grant status, access, and benefits to domestic partners at all levels of city government. Paula teaches Sexuality and the Law at both NYU Law School and the University of Michigan Law School.

She is the former Legal Director for Lambda Legal Defense and Education Fund, where she pioneered many of the policies, legal cases and advocacy efforts related to expanding the definition of family beyond the traditional guidelines. She has written and spoken extensively as a proponent of family diversity.

**Statement of
James Levin, Esq.
New York City**

"Domestic partnership benefits should be made available to anyone who is living in a relationship that varies from those which are allowed under the obsolete marriage laws in the United States. Every American citizen benefits from the extension of domestic partnership protection because it helps relieve potential financial distress and increase worker productivity.

"Interpersonal relationships in post-industrial society are undergoing vast changes, and relatively few people still live in the traditional nuclear family. However, as long as conservative religious groups continue to oppose changes in marriage laws which would incorporate these social changes, we must look to alternative legislation to secure the new relationships.

"I cannot believe there is any logical rationale for limiting the domestic partnership protections on the basis of sexual orientation."

* * *

Attorney James Levin has a private law practice in New York. He is Emeritus Professor of Social Science of the City University of New York. Mr. Levin formerly served as a New York City Human Rights Commissioner. He has been involved in the struggle for equal rights for gays and lesbians for many years.

**Statement of
Rudolph A. Serra, Esq.
City of Detroit Human Rights Commissioner**

"When most people hear that one cannot discriminate based upon 'marital status' they think that it means that you cannot discriminate against people because they are single, engaged, married, separated, divorced, or widowed. 'Marital status' applies to everyone because every human being has a marital status.

"Likewise, 'sexual orientation' applies to everyone because every human being has a sexual orientation.

"Domestic partnership benefits should be available without regard to marital status or sexual orientation. Male-female couples who choose not to change their marital status, but who have family obligations together, should be able to secure such benefits.

"Domestic partnership benefits should recognize extended families that include close blood relatives, unrelated adults of the same or opposite-sex, and other combinations that exist in our modern, diverse society."

* * *

Attorney Rudy Serra currently serves on the Human Rights Commission of the City of Detroit. He is an Officer-at-Large of the Michigan Democratic Party and President of the Gay and Lesbian Caucus. Serra is a former congressional aide and a former staff attorney for the Michigan Court of Appeals. He is president of the Stonewall Bar Association of Michigan, an association of gay and lesbian attorneys.

**Statement of
William B. Kelley, Esq.
Chicago, Illinois**

"Because marriage and domestic partnership are separate issues, the fact that unmarried opposite-sex partners can but do not marry is not a good reason to deny them the same type of fringe benefits [as married couples or same-sex partners]. Nor should they be compelled to marry in order to obtain such benefits.

"To deny fringe benefits to unmarried but not to married opposite-sex partners, while offering them to same-sex partners, can plausibly be viewed as illegal marital status discrimination.

"The omission can also be viewed as sexual orientation discrimination, to the extent of its intended effect or disproportional impact on heterosexuals who belong to unmarried opposite-sex couples.

"Third, there seems no reason to believe that including unmarried opposite-sex partners would be especially costly. The commonly cited statistics on minimal (< 3%) registration for such benefits are apparently derived from municipalities, *most of which already cover both opposite-sex and same-sex partners.*"

* * *

Attorney William B. Kelley has been a leader in the gay rights movement for over 35 years. Currently, he is the chairperson of the Cook County Human Relations Commission. He formerly served as national co-chair of the Lesbian and Gay Law Association, a group whose membership includes hundreds of lesbian and gay attorneys and law students.

**Statement of Zeke Zeidler
Candidate for California State Assembly**

“I support inclusive domestic partnership policies which are not limited to same-sex couples. We have fought for years against discrimination based on marital status and based on sexual orientation. I believe that policies which are limited to same-sex couples are discriminatory and inconsistent with our previous work.

“A large percentage of couples who wish to utilize domestic partnership benefits are seniors on fixed incomes which would be jeopardized if they married. Although I believe that domestic partnerships should be open to them, I would also lobby for the federal government to change the social security restrictions which discourage these couples from being married.”

* * *

Attorney Zeke Zeidler has been involved in gay and lesbian rights for many years. He is a member of the board of directors of Life Lobby, a statewide organization lobbying in Sacramento on sexual orientation, domestic partnership, and AIDS related issues. He is actively involved in the California Democratic Party. Mr. Zeidler is the president of the Redondo Beach School Board. He is currently running for California State Assembly.

Member
Board of Supervisors
City and County of San Francisco



TOM AMMIANO

April 14, 1997

Mr. Thomas Coleman
Spectrum Institute
PO Box 65756
Los Angeles, California 90065

Dear Mr. Coleman;

We agree completely on the Committee on Jobs proposals to dilute my Domestic Partners in City Contracts Ordinance. I do not and never have supported this proposal.

I believe that it is dead. Only two supervisors have expressed any interest in it.

It is absolutely correct that domestic partnerships were always intended as an alternative to marriage, not a second class imitation just for lesbians and gay men. Anti-discrimination legislation should not discriminate.

San Francisco voters expressed this very clearly by a more than 70% vote in support of Proposition K, creating our inclusive gender neutral system for domestic partnerships in 1990.

Please continue to keep me informed about issues of importance to you.

Sincerely,


Supervisor Tom Ammiano

TA/mhl.

Subject: Copy of Letter to Oakland Council

Date: Thu, 09 Apr 1998 10:54:11 -0700

From: Christopher Carrington <topher@sfsu.edu>

To: tomcoleman@earthlink.net

Dear Thomas Coleman:

Here is a copy of a letter I wrote to the Oakland City Council as per your request. Feel free to distribute this if you wish.

April 8, 1998

Honorable Mayor Elihu Harris
and Oakland City Council Members
One City Hall Plaza
Oakland, CA 94612

RE: Domestic Partnership Benefits

Dear Mayor and Council Members:

Over the next few weeks you will take under consideration a staff report recommending that the City of Oakland extend to unmarried, opposite-sex partners equivalent compensation benefits as those now extended to same-sex partners. I strongly encourage you to accept the staff report and create equal access for all employees, regardless of marital status.

I am a sociologist studying lesbian, gay and bisexual families with a particular focus on the impact of paid work upon family life and vice versa. My research, soon to be published by the University of Chicago Press with the title: We Are Family: Domesticity and the Formation of Family in Lesbian and Gay Relationships argues that the most effective strategy that currently exists in public policy for the purpose of strengthening 'lesbigay' family life is through broadly-defined and inclusive domestic partnership policies. I argue that these policies should not be viewed as stepping stones to legal marriage. Rather, such policies should be viewed as an effort to provide employees with the freedom to choose who will be the recipient of an employee benefit that they earn as part of their compensation, as well as an effort to provide needed social benefits (like medical insurance) to a wider range of persons living within a diverse array of family formations.

Social policy should not treat marriage as the focus of pro-family policy. Families come in a multitude of forms and public policy should emphasize the effort to make those families happy, durable and equitable, regardless of the forms those families take. Let employees decide with whom they wish to share their employee benefits. And realize, that regardless of who that employee chooses, the extension of those benefits to another person will have the net effect of contributing to the employee's happiness, the happiness of her/his chosen family and to the public well being. Those are the noble goals of public policy and you have the opportunity to contribute to them in a meaningful way through expanding your domestic partnership policy to include opposite-sex partners.

Sincerely,

Dr. Christopher Carrington
Department of Sociology
San Francisco State University

Quotes from

“Recognizing Lesbian & Gay Families: strategies for extending employment benefit coverage”

**A publication of the
LESBIAN RIGHTS PROJECT
San Francisco, California**

EXCERPTS FROM PAGE 23

“One question that will inevitably arise is whether unmarried heterosexual couples should be able to qualify for family partner benefits.”

“[M]ost individuals and groups which have been involved in the attempt to extend benefit coverage have eventually concluded that coverage should not be limited to same-sex couples.”

“It seems excessively judgmental to refuse to include those heterosexuals who have rejected the traditional marriage relationships. Heterosexual employees who are in stable and committed relationships should qualify for benefits for their partners for the same reasons that gay employees should. Succumbing to the institution of marriage, with its centuries-old cultural, religious and often oppressive overlays should not be necessary in order to provide for one’s loved one.”

“Including unmarried heterosexual couples in benefit schemes averts charges of discrimination, and makes a proposal more palatable to unions, fellow employees and the public.”

Subject: Re: Praise for Bank of America

Date: Tue, 11 Mar 1997 17:45:27 +0000

From: mythago@agora.rdrop.com

To: domestic@cs.cmu.edu, gblt-workplace@queernet.org

Thomas Coleman writes:

> We should remember that domestic partnership is part of a larger concept
> of family diversity. B of A is showing respect for family diversity by
> giving employees options. It recognizes that families come in many
> shapes and sizes. The marriage model is one. The domestic partnership
> model is another. The extended family is also a family form chosen by
> many employees.

MOTTS = members of the same sex / MOTOS = members of the opposite sex

I agree with this. To assume that only MOTSS partnerships should be recognized (since marriages aren't) assumes that marriage is the only proper kind of relationship that ought to get benefits, and DP benefits are appropriate *only* because MOTSS partners can't marry. That's a slap to those of us who cannot marry a MOTOS partner for other reasons, or who have chosen or must choose a relationship model other than civil marriage. It's also a slap to those of us in MOTOS relationships who have chosen not to seek civil marriage *because* it is not available to our MOTSS friends.

I do sympathize with the poster who had a DP proposal derailed by a university president who pretended the proposal was 'discriminatory.' But I don't think that someone's using a poor excuse to justify his homophobia is a reason to criticize BofA's inclusive policy.

Laurel Halbany
mythago@agora.rdrop.com
<http://www.rdrop.com/users/mythago/>

Re: Bank of America

mailbox:/C%7C/Program%20Files/Netscape/Na...AA28367@buck.icd.teradyne.com&number=4065

Subject: Re: Bank of America

Date: Tue, 11 Mar 1997 09:44:54 -0500

From: Bill Barnert <barnert@icd.teradyne.com>

To: lwinfeld@world.std.com

CC: gblt-workplace@queernet.org, domestic@cs.cmu.edu

Liz:

You asked how we felt about Bank of America extending benefits to any adult member of the employee's household.

I'm all for it. I think there are two worthy goals worth fighting for: Spousal Equivalent benefits, and better family benefits. We (as gay people) benefit more directly from the first, but we (as human beings) all benefit from the second, and I don't think that getting the second in any way belittles the first.

If all people could select a "partner" from their household, be it their mom, their uncle, their spouse, or their lover, maybe less people would get married for the benefits. Maybe not. But we'd all have more choices, and better benefits.

- Bill Barnert

Subject: Re: Bank of America

Date: Wed, 12 Mar 1997 15:34:16 -0500

From: Helen Raizen <raizen@dolphinics.com>

To: dp benefits <domestic@cs.cmu.edu>

CC: liz winfeld <lwinfeld@world.std.com>

One historical note about all of this. Something over six years ago, when a group of us working with David Scondras in Boston drafted the first version of a dp ordinance for Boston, it was called the Family Protection Act and included, along with a definition for domestic partner, a definition of a broader family unit. I forget just what it was called, but I am sure I have it at home somewhere. Anyway, this second category of registration (dropped from the form of the ordinance that was signed by the mayor, but earlier passed by the city council) allowed any number of adults who were in an interdependent family unit to register their relationship. Even a married couple and a single person could do this. When it came to benefits, an employee would have been allowed to select one adult member of her/his registered family to receive benefits.

At the time, we all regarded this as a very forward looking aspect of the bill that recognized family diversity beyond couples. David used the example of a city employee whose sister had lived with her for 30 years as someone deserving of the benefits our ordinance would have offered. Also, David liked this approach and is not particularly a proponent of same-sex marriage (a point on which I disagree with him).

In light of this past history in Boston, I personally feel that what Bank of America has done is a great advance forward for employees and for family diversity and that criticisms from our community that it somehow diminishes same-sex couples are akin to the right wing claiming that same-sex marriage diminishes het marriage. Also, the main thing that stopped the Boston formulation when it came to benefits was that no one could predict what it would cost. I am sure that Bank of America is in that position and that their extending this sort of benefit will help to provide a track record that will make it possible for others to obtain similar benefits.

Helen Raizen
raizen@dolphinics.com

SPECTRUM INSTITUTE

A Non-Profit Corporation Promoting Respect For Human Diversity

SPECTRUM INSTITUTE is a non-profit organization incorporated under the laws of the State of California. It has received tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

SPECTRUM INSTITUTE works toward a society:

- * in which the human diversity – both individual and family – that actually exists in society is recognized and respected, where all have an opportunity to participate fully;
- * in which public policy decisions are based on reality rather than ideology, where policies are inclusive rather than exclusive;
- * in which justice and fairness in the economic, social, and legal structures, are available for all people;
- * in which people have an opportunity to learn about each other and to show that they care about one another.

SPECTRUM INSTITUTE is governed by a board of trustees. Board members include: Jay M. Kohorn, an attorney and associate director of the California Appellate Project and adjunct professor at Southwestern University School of Law; Margarita Contreras, community advocate in Virginia and a former staff member with the Office of Community Affairs of the California State Senate who served as a consultant to the California Legislature's Task Force on the Changing Family; and Stephanie Knapik, fair housing advocate in Utah and former Executive Director of the Westside Fair Housing Council in Los Angeles. Los Angeles attorney Thomas F. Coleman is executive director of Spectrum Institute.

PROJECTS OF SPECTRUM INSTITUTE

FAMILY DIVERSITY. Spectrum Institute promotes awareness about family diversity in America, including demographic trends and historically flexible definitions. In cooperation with public officials and private agencies, Spectrum conducts research on issues and problems affecting families and helps to find solutions. Serving as a National Clearinghouse on family issues and public policy, Spectrum has assisted media organizations such as Time Magazine, New York Times, Los Angeles Times, ABC Nightline, CBS News, Today Show, and CNN. It has helped state and local governments to develop family-friendly policies by providing research and consulting services to blue ribbon commissions, such as the California Legislature's Joint Select Task Force on the Changing Family, Los Angeles City Task Force on Family Diversity, Los Angeles City Attorney's Consumer Task Force on Marital Status Discrimination, and California Insurance Commissioner's Anti-Discrimination Task Force, as well as to mayors and city councils in Long Beach, Laguna Beach, West Hollywood, and Philadelphia. Spectrum has participated in landmark court cases throughout the nation promoting personal privacy rights, the use of inclusive definitions of family in public and private-sector policies, as well as fighting discrimination against foster families, stepfamilies, domestic partners, and unmarried adults.

DISABILITY, ABUSE AND PERSONAL RIGHTS. Because persons with disabilities and their families experience widespread discrimination, Spectrum Institute seeks to increase accessibility and participation in all facets of private and public life to children and adults with disabilities. Experts agree that people with disabilities are more frequently subject to physical, sexual, emotional and fiscal abuse than any other population group. Spectrum seeks to reduce vulnerability and create abuse-response systems that address the needs of people with disabilities. Spectrum conducts research, consultation, and training activities with both public and private entities, including the National Center on Child Abuse and Neglect, the National Committee for the Prevention of Child Abuse, National Aging Resource Center on Elder Abuse, and the Los Angeles Inter-Agency Council on Child Abuse and Neglect among others. Spectrum has participated in legal arenas including providing consultation on various cases, establishing policy for assuring exercise of civil rights for the California State Department of Developmental Services, and advocating for a data collection system within the California State Department of Justice to identify children with disabilities who have been reported for abuse victimization. **Nora J. Baladerian, Ph.D.**, a clinical psychologist, manages the Disability, Abuse and Personal Rights Project.

SPECTRUM INSTITUTE

A Non-Profit Corporation Promoting Respect For Human Diversity

MISSION STATEMENT OF THE FAMILY DIVERSITY PROJECT

Single people constitute a majority of the adult population in most major cities throughout the nation, and soon will be a majority in many states. Despite their large, and growing numbers, unmarried adults often face unjust discrimination as employees, tenants, consumers, and as ordinary citizens. Spectrum Institute believes that single people deserve respect, dignity, and fair treatment.

Spectrum Institute fights laws and business practices that discriminate against people who are not married. Our work benefits people who are single by choice or by necessity, such as seniors who are widowed, people with disabilities who will face a cutoff or reduction in benefits if they marry, people who have separated or divorced because their marriages were abusive or otherwise unsatisfactory, young people who have deferred marriage so that they may finish college or establish a career first, and people who are gay or lesbian.

Spectrum Institute works on several fronts simultaneously to eliminate marital status discrimination and to protect personal privacy rights:

Employment. Most people believe in the concept of "equal pay for equal work." Unfortunately, single workers receive much less pay than married workers, when employee benefits are taken into consideration. That is why Spectrum Institute promotes the use of "cafeteria style" benefits plans, where each employee receives the same credits, which the worker may then use in the way that suits his or her personal or family needs. While a married worker may need health benefits for a spouse and child, and a single worker may want more retirement benefits or may need day care for an elderly parent, another employee may need benefits for a domestic partner. Benefits plans should be flexible.

Housing. Spectrum Institute fights landlords who refuse to allow two unmarried adults to rent an apartment or a home together. Tenants who are responsible and creditworthy should not suffer housing discrimination by landlords who insist that they will only rent to married couples. Spectrum recently participated in a national roundtable sponsored by the American Association of Retired Persons (AARP) which developed a report and recommendations supporting the rights of seniors and older adults who live in nontraditional households.

Consumers. Spectrum Institute encourages businesses to eliminate discrimination against unmarried consumers. We wrote a report for the California Insurance Commissioner condemning higher rates for single adults, many of whom are seniors, merely because of their marital status. We succeeded in getting the Automobile Club of Southern California to give a membership discount to the "adult associate" of a primary member, a discount that was formerly available only to a spouse. We prodded airline companies to broaden their discounts to include "companion" fares and programs such as "friends fly free" in place of marketing strategies previously limited to spousal or family discounts.

Privacy Rights. Nearly half of the states still have laws that criminalize the private intimate conduct of consenting adults. Spectrum Institute fights for the privacy rights of all adults, regardless of marital status or sexual orientation. We participate in court cases to encourage judges to declare these laws unconstitutional. We also conduct educational forums and network with government agencies and private organizations to protect the privacy rights of members of society who may be vulnerable to abuse or neglect, such as children, people with disabilities, and seniors.

**BIOGRAPHICAL INFORMATION ON
THOMAS F. COLEMAN
EXECUTIVE DIRECTOR, SPECTRUM INSTITUTE**

Thomas F. Coleman has been practicing law since 1973. Over the years, he has become a national authority on sexual orientation and marital status discrimination, the definition of family, and domestic partnership issues.

In 1998, Mr. Coleman was successful in convincing two California cities, Santa Barbara and Oakland, to discontinue a gender restriction in their same-sex domestic partnership benefits programs, and to open the plans up to all domestic partners regardless of gender. He was also consulted by the Detroit city council which accepted his advice and passed the most inclusive "extended family" employee benefits program of any municipality in the nation. The plan allows each employee to choose one adult household member to receive benefits: either a spouse, a domestic partner of either sex, or a dependent blood relative.

In 1997, Mr. Coleman was invited to testify as an expert witness before the California Assembly Judiciary Committee and the Senate Insurance Committee on domestic partner benefits. He also conducted an informational briefing for the Philadelphia City Council on legislative options for protecting domestic partners.

In 1997, Mr. Coleman was invited by the Self-Insurance Institute of America to conduct a seminar on domestic partnership benefits for 130 insurance company executives who came to Indianapolis from all parts of the nation. In 1996, he conducted a similar seminar for the National Employee Benefits and Worker's Compensation Institute at a national conference in Anaheim.

In 1996, Mr. Coleman drafted a comprehensive domestic partnership act at the request of the Chairperson of the Hawaii Commission on Sexual Orientation and the Law. The draft was the basis for a bill (SB 3113) passed that year by the Hawaii Senate. The Senate Judiciary Committee invited Mr. Coleman to testify as an expert on legal issues involved in domestic partnership legislation. He was consulted by legislative leaders again in 1997.

Over the years, Mr. Coleman has represented clients and has filed *amicus curiae* briefs in numerous test cases before various appellate courts.

In 1996, he won a victory for tenants when the California Supreme Court refused to give a landlord a "religious" exemption from state civil rights laws prohibiting marital status discrimination. He filed a brief in a similar case in the Michigan Supreme Court in 1998 and before

the Illinois Court of Appeals in 1996. He was consulted by government attorneys fighting housing discrimination against unmarried couples in Alaska and Massachusetts.

In 1995, Mr. Coleman filed an *amicus curiae* brief in the Alaska Supreme Court in a case involving marital status discrimination in employment. In 1997, the court ruled that it was illegal for the state to refuse to provide health benefits to domestic partners of university employees.

In 1994, Mr. Coleman filed an *amicus curiae* brief in the Georgia Supreme Court on behalf of a local union representing employees of the City of Atlanta. The brief defended the reasonableness and legality of two domestic partnership ordinances enacted by the city. In March 1995, the Supreme Court by a 5 to 2 vote upheld the registry for domestic partners. In 1997, the Supreme Court upheld the city's health benefits plan for domestic partners.

In 1994, Mr. Coleman filed an *amicus curiae* brief in the Michigan Supreme Court seeking to invalidate the "gross indecency" statute as unconstitutionally vague and an infringement on the right of privacy of consenting adults. The court ruled that the statute was vague and defined it in a way to prohibit public sex or sex with minors. However, it sidestepped the issue of consenting adults in private.

In 1993, Mr. Coleman won a major victory for employees in the California Court of Appeal. In *Delaney v. Superior Fast Freight*, the appellate court ruled that private employers are prohibited from discriminating against employees or applicants on the basis of sexual orientation.

In 1989, Mr. Coleman filed a friend of the court brief in the landmark case of *Braschi v. Stall Associates* (1989) 74 N.Y. 201. There, the New York Court of Appeals (the state's highest court) ruled that the term "family" was not necessarily limited to relationships based on blood, marriage, or adoption. The court concluded that unmarried partners who live together on a long-term basis may be considered a family in some legal contexts. The *Braschi* decision has been cited as precedent in numerous lawsuits by workers who have been denied employment benefits for their unmarried partners.

Mr. Coleman has also participated in both government and privately-sponsored policy studies dealing with the right of personal privacy, freedom from violence, family diversity, and discrimination on the basis of marital status and sexual orientation.

In 1994, Mr. Coleman was selected by the **American Association of Retired Persons** to serve on a round table focusing on nontraditional households. This resulted in a report by AARP in 1995 entitled "The Real Golden Girls: The Prevalence and Policy Treatment of Midlife and Older People Living in Nontraditional Households."

In 1993, Mr. Coleman wrote a report for **California Insurance Commissioner's Anti-Discrimination Task Force**. It proposed ways to end discrimination against unmarried insurance consumers.

In 1991, Mr. Coleman was consulted by the **Bureau of National Affairs** for its special report series on *Work & Family*. He provided demographics and background information for Special Report #38, "Recognizing Non-Traditional Families."

In 1990, Mr. Coleman worked with the **Secretary of State** to implement a system in which family associations may register with the State of California. Registrations systems like this have been used by companies for employee benefit programs that provide coverage to employees with domestic partners. This novel registration system was cited by Hewitt Associates in a research paper entitled "Domestic Partners and Employee Benefits." Hundreds of same-sex and opposite couples (many with children) have registered under this de-facto family registration system.

In 1989, the **City of West Hollywood** retained Mr. Coleman as a consultant on domestic partnership issues. He advised the city council on how the city could strengthen its ordinance protecting domestic partners from discrimination.

In 1989, Mr. Coleman conducted a seminar for faculty and staff at the **University of Southern California** on "Employee Benefits and the Changing Family."

In 1989, the **Los Angeles City Attorney** appointed Mr. Coleman to serve as chairperson of the **Consumer Task Force on Marital Status Discrimination**. The task force issued its final report in May 1990. The report documented widespread discrimination by businesses on the basis of sexual orientation and marital status. It made numerous recommendations to eliminate discriminatory practices. Many have been implemented.

From 1987 to 1990, Mr. Coleman served as a member of the **California Legislature's Joint Select Task Force on the Changing Family**. After many public hearings and ongoing research, the task force issued a series of reports to the Legislature. One aspect of the study involved work-and-family issues. The Task Force recommended ways to eliminate discrimination on the basis of sexual orientation and marital status from employee benefits programs. Other recommendations were made to eliminate discrimination

against domestic partners. A bill to establish a domestic partner registry with the Secretary of State and to give limited benefits to domestic partners was passed by the Legislature in 1994 but subsequently vetoed by the Governor. A similar bill (AB 54) has been reintroduced.

In 1986, Mr. Coleman became a special consultant to the **Los Angeles City Task Force on Family Diversity**. After two years of research and public hearings, the task force issued its final report in May 1988. Major portions of the report focused on sexual orientation and marital status discrimination in employment, housing, and insurance. For the following three years, Mr. Coleman worked closely with city council members, the city administrative officer, the city attorney, the personnel department and several unions to develop a system granting sick leave and bereavement leave to a city employee if his or her unmarried partner were to become ill or die. In 1994, the city council voted to extend health and dental benefits to all city employees who have domestic partners.

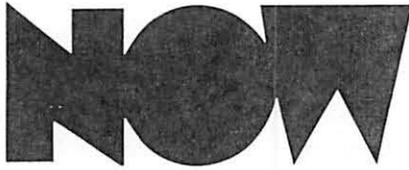
In 1985, Mr. Coleman became an adjunct professor at the **University of Southern California Law Center**. For several years he taught a class on "*Rights of Domestic Partners*." The class focused on constitutional issues, court cases, and statutes that either discriminate against unmarried couples or provide them with protection from discrimination.

In 1984, the **California Attorney General** appointed Mr. Coleman to serve on the **Commission on Racial, Ethnic, Religious, and Minority Violence**. From 1984 to 1990, Mr. Coleman assisted the commission's staff and consultants in gathering information about hate crimes against lesbians and gay men and in developing recommendations designed to prevent and combat such violence. The Legislature added "age, disability, and sexual orientation" to the state's hate crime statute in 1984. The state Commission on Peace Officer Standards and Training then incorporated recommendations of the hate crime commission into its data collection system and its training programs.

In 1981, Mr. Coleman was appointed to serve as **Executive Director of the Governor's Commission on Personal Privacy**. After two years of public hearings and research, the Commission issued its final report to the Governor and the Legislature. Over 100 pages of the report focused on sexual orientation discrimination, particularly in the areas of employment and housing. Mr. Coleman was the author of the final report of the Privacy Commission.

Mr. Coleman graduated, *cum laude*, from **Loyola University of Los Angeles School of Law** in 1973. He received his bachelor of arts degree from **Wayne State University** in Detroit, Michigan in 1970.

* * *



Legal Defense and Education Fund

99 HUDSON STREET • NEW YORK, NY 10013 • (212) 925-6635 • FAX: (212) 226-1066

Board of Directors*

- Phyllis N. Segal, President
Attorney, Massachusetts
- Muriel Fox, Chair
Dir., Harleysville Insurance Co.
- Gene Boyer, V.P.
Business Consultant, Wisconsin
- Stephanie J. Clohesy, V.P.
Barbara Cox, V.P.
Doty & Cox, Connecticut
- Vickee Jordan Adams, V.P.
V.P., Dir., Communications Training Center
Ketchum Public Relations
- Bonnie Howard, Treasurer
CFO, Management Sciences
For Health, Massachusetts
- John Vanderstar, Gen. Counsel
Attorney Covington & Burling
Washington, D.C.
- Lisa Specht, Exec. Com.
Attorney, California
- Yvonne Becerra, Secy.
Asst. Prof. Dept. of Communication
& Mass Media
University of Wyoming
- Carol Bellamy
Managing Director Bear Stearns & Co.
New York
- Simona Chazen, M.S.W.
Upper Nyack, N.Y.
- Anita DeFrantz
President, Amateur Athletic
Foundation of Los Angeles
- Rosemary Dempsey
NOW Vice President
- Kim Gandy
NOW Vice President
- Lani Guinier
Law Professor
U. of Pa. Law School
- Patricia Ireland
NOW President
- Jane H. Macon
Attorney, Fulbright & Jaworski
San Antonio, Texas
- Helen R. Neuborne
Executive Director, NOW LDEF
- William G. Sharwell
President, Pace University (Ret.)
New York
- Patricia Carry Stewart
V.P. Edna McConnell Clark Fdn. (Ret.)
- Catharine Stimpson
Rutgers University, New Jersey
- Rosalie J. Wolf
Managing Director, Bankers Trust

August 12, 1993

Thomas F. Coleman
Spectrum Institute
P.O. Box 65756
Los Angeles, CA 90065

Dear Tom:

Thank you for sending us copies of the Report of the Anti-Discrimination Task Force of the California Insurance Commissioner. I think you are right that NOW chapters would be interested in seeing it. I am, therefore, enclosing a current label list so that you can easily forward a copy to each state chapter president.

It might be interesting at some point to think about a joint project on insurance discrimination. Since we have not yet won our lawsuit on gender discrimination in Maryland, for the time being we must continue to focus our limited resources on that project.

I wish you continued good luck with your efforts.

Sincerely,



Helen Neuborne
Executive Director

Distinguished Directors

- Betty Friedan
Author, New York
- Jacquelin Washington
President, Pontiac Area
Urban League

National Office

- Helen R. Neuborne
Executive Director
- Deborah A. Ellis
Legal Director
- Lynn Hecht Schafran
Dir., Nat'l Judicial Education Prog.
- Michael P. Miller
Director, Planning & Development
- Sarah T. Parnell
Director, Finance & Administration

*Organizational affiliation for purposes of identification only





Bringing lifetimes of experience and leadership to serve all generations.

March 14, 1995

Mr. Thomas Coleman, Executive Director
Family Diversity Project
Spectrum Institute
P.O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman:

You will be pleased to know that the Women's Initiative's research report on midlife and older people who live in nontraditional households is just about ready for production and publication. As I near completion of this research project, I just wanted to thank you once again for sharing your expertise with us.

As you know, we found that more than 5 million midlife and older persons live in nontraditional households with extended families, partners, roommates, grandchildren, live-in employees, and in many other sorts of arrangements. We also found that individuals living in such households are often treated less favorably under public policies than traditional families.

Your organization is the only one we found that has extensively documented the treatment of nontraditional families under public policy. We found the studies in which Spectrum Institute participated to be well-researched and well-written, and we relied on several of them in our research report. Please keep up the fine work you do to document and advocate for diversity in family and living arrangements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Chalfie".

Deborah Chalfie
Women's Initiative



Family Service America

May 5, 1989

Edwin H. Ruzinsky
Chairman
Jan Severson
Vice Chairman
Charles S. McNeer
Vice Chairman
Hon. Judge Sharon J. Bell
Secretary
Gunther Borris
Treasurer
Geneva B. Johnson
President and
Chief Executive Officer

Mr. Thomas F. Coleman
P. O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman:

Just a note to say that I was well pleased with the Amici Curiae brief on Braschi vs. Stahl Associates, and with your excellent representation of the FSA position. We hope it helps to retain flexibility in family definition.

Very truly yours,

Robert M. Rice, Ph.D.
Executive Vice President

RMR/sbb

SCHENDEL & CALLAHAN

Suite 200, NBA Building
613 Cushman
Fairbanks, Alaska 99701
(907) 456-1136

TELEFAX (907) 451-8535
Mailing Address
P.O. Box 72137
Fairbanks, Alaska 99707

William B. Schendel
Daniel L. Callahan

March 24, 1997

Thomas F. Coleman, Ex. Dir.
Spectrum Institute
P. O. Box 65756
Los Angeles, CA 90065

Re: Univ. of Alaska v. Tumeo

Dear Tom,

Let me thank you very much for your part in our recent victory in Tumeo. I think it is the first published appellate court victory for domestic partner benefits, without regard to the sex of the partners. As such, it was great that it came out right.

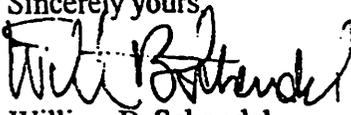
As you may guess, the Supreme Court's opinion has received wide publicity. I've received phone calls from The Chronicle of Higher Education, all the Alaska media (including the Associated Press), and from attorneys around the country. I believe the opinion will soon be summarized in U. S. Law Week and Bureau of National Affairs specialty publications. It is perceived to be the leading opinion on the subject at the moment.

All this would not have been possible without the assistance of the amici, and especially Spectrum. In particular, I think that your briefing on the legislative background to the Alaska statute, especially the research you did on similar statutes in Maryland, Montana, Oregon, etc., was very impressive. As I expressed several times during the briefing process, I was particularly worried about the legislative history argument that the University raised, yet unable to do the necessary research regarding foreign statutes; you came through in that area, and wrote up the results of your result in a persuasive manner.

I think that it was also useful to have Spectrum on board in order to "round out" the viewpoints expressed by the same sex amici. Part of the formula in constructing a winning argument is to assure the court that the result being sought is within the realm of responsible public policy. Spectrum's brief, focusing as it did on extending benefits to unmarried opposite sex couples as well as same sex couples, gave the Court some assurance that it had the benefit of a full spectrum of reasoned public policy.

My clients and I were proud to be sitting at the same table with Spectrum and you.

Thank you again.

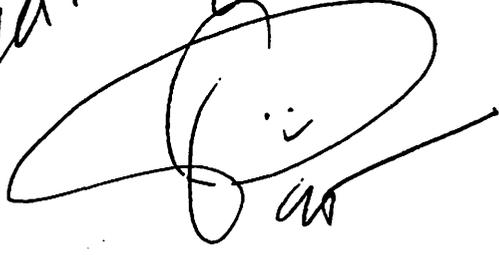
Sincerely yours,

William B. Schendel
Attorney at Law

WBS:dde



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

PATRICIA SCHROEDER
FIRST DISTRICT, COLORADO

Tom & Chris
Your family diversity
report and work are
right on target!
Congratulations on great
work that's really
needed. Cheers &
Love


PLEASE RESPOND TO:
 SACRAMENTO OFFICE
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94248-0001
(916) 443-8077
FAX (916) 323-8984
 DISTRICT OFFICE
1388 SUTTER STREET
SUITE 710
SAN FRANCISCO, CA 94109
(415) 673-5560
FAX (415) 673-5794
E-MAIL: Carole.Migden@assembly.ca.gov

Assembly California Legislature

CAROLE MIGDEN
ASSEMBLYWOMAN, THIRTEENTH DISTRICT
Chairwoman
Assembly Committee on Appropriations

COMMITTEES
Natural Resources
Public Employees, Retirement
and Social Security
Public Safety
Joint Legislative Budget
Committee
Special Committee on
Welfare Reform
Select Committee on California
Horse Racing Industry
Select Committee on
Professional Sports



April 8, 1997

Tom Coleman
Spectrum Institute
P.O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman: *TC*

I respectfully request your assistance regarding AB 1059.

On Tuesday, April 15 at 9:00 am, AB 1059 will be heard by the Assembly Judiciary Committee in room 4202 of the State Capitol. Your expert assistance is needed in responding to technical questions from committee members regarding domestic partnerships. In addition, it would be particularly beneficial for you to outline the legal issues surrounding domestic partnership and health insurance and how AB 1059 would greatly benefit California citizens.

Thank you for consideration of this request. I look forward to working with you on this important issue.

Sincerely,

[Signature]
CAROLE MIGDEN

*Would greatly
value your
help!*



City Council of Los Angeles



JACKIE GOLDBERG
Councilmember, 13th District

January 6, 1994

Dear Friends:

Among my goals upon taking office as a Councilmember in the City of Los Angeles was the unequivocal recognition of the rights of lesbian and gay employees. I am pleased that, as Chair of the City Council's Personnel Committee, I was able to obtain adoption of two important legislative matters affecting our community within the City.

During my first six months in office I introduced a motion to adopt a policy of extending health and dental care benefits to domestic partners and dependents of all City employees. I am very grateful to Henry Hurd, of the Personnel Department, and Thomas Coleman, Executive Director of the Spectrum Institute, for providing invaluable research material and analysis that enabled me to bring forward the legislation much earlier than I thought possible. Without their assistance, many City employees would still be denied the peace of mind enjoyed by employees whose families have been covered by health benefits all along. Please feel forward to contact my office for a copy of the legislative packet on this important issue.

In addition, I was able to break the logjam on implementation of a series of policy initiatives to protect the rights of lesbian and gay employees. The City now has a Sexual Orientation Counselor who is responsible for investigating complaints of discrimination based on sexual orientation. Based on that action, and in response to the Groberson lawsuit, the Mayor issued an Executive Directive to all Department heads reiterating the City's policy against sexual orientation discrimination. Copies of the directive and policy are available through my office.

I look forward to another year of advancing the rights of our community. Please do not hesitate to contact Sandy Farrington-Domingue, my liaison to the gay and lesbian community, at (213)913-4693 with your input.

Sincerely,


JACKIE GOLDBERG
Councilmember, 13th District

CITY HALL
200 N. Spring St./Room 240
Los Angeles, CA 90012
213/485-3353

COMMITTEES
Chair, Personnel Committee
Vice Chair, Public Works
Member, Administrative Services

FIELD OFFICE
3525 Sunset Blvd.
Los Angeles, CA 90026
213/913-4693



May 24, 1996

SOCIAL SERVICES
UNION

AMERICAN
FEDERATION
OF NURSES

309 So. RAYMOND
AVENUE
PASADENA
CALIFORNIA
91105
818-796-0051
FAX 818-796-2335

Thomas F. Coleman, Executive Director
Spectrum Institute
Family Diversity Project
P.O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman:

We wish to express our gratitude for your support in our battle towards extending domestic partnership benefits to Los Angeles County employees. Throughout the years, your assistance in our attempts to establish equity of benefits for all County employees was invaluable.

On December 19, 1995, for the first time in Los Angeles County history, the Board of Supervisors voted to include medical benefits for domestic partners of County employees as part of the compensation package. The Family Diversity Project of Spectrum Institute worked diligently with Local 535, the Los Angeles County Labor Coalition, and other dedicated groups to achieve this collective goal.

Again, we thank you for your commitment to providing consultation and strategic organizational services in our endeavors to win this tremendous victory!

In Solidarity,

Karen Vance, Co-Chair
SEIU-Local 535, Lesbian and Gay Caucus
(310) 497-3419

KV/dt: opeiu#29, afl,cio,clc...F:Darlene/Bullock/Coleman.doc 5/28/96



Commission on Sexual Orientation and the Law
Legislative Reference Bureau, 1177 Alakea St., 6th Floor, Honolulu, HI 96813
Phone: (808) 587-0666; Facsimile: (808) 587-0681

Thomas P. Gill, Chairperson
Lloyd James Hochberg, Jr.
Robert H. Stauffer

Morgan Britt
Nanci Kreidman

L. Ku'umeaaloha Gomes
Marie A. "Toni" Sheldon

August 24, 1995

Mr. Thomas F. Coleman, Esq.
Executive Director
P.O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman,

As you may be aware Act 5, Session Laws of Hawaii 1995, repealed the Commission on Sexual Orientation and the Law that was convened as a result of Act 217, Session Laws of Hawaii 1994 and convened a new seven member commission. The press release on the members of the new commission follows.

The new commission chairperson, Tom Gill, would like to orient the new commission members to the issues before the first meeting is called. One of the documents he would like to send each member is the Spectrum Institute's Special Report of March 1995, related to Gay Marriage in Hawaii. The Commission would be grateful if you could forward at least eight copies to the above address. I understand the Institute also has a report on Domestic Partnership Laws also issued in March 1995 that may be helpful to the Commission. If available, we would appreciate copies of this as well. Mahalo for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Martin".

Pamela Martin
Staff Attorney for the
Commission on Sexual Orientation and the Law



CITY OF ATLANTA

BILL CAMPBELL
MAYOR

Suite 4100
City Hall Tower
68 Mitchell Street, S.W.
Atlanta, Georgia 30335-0332
(404) 330-6400
FAX (404) 658-6894

DEPARTMENT OF LAW
Clifford E. Hardwick, IV
City Attorney

January 17, 1995

Thomas F. Coleman, Executive Director
Spectrum Institute
P. O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman:

As we patiently await the Georgia Supreme Court's decision regarding the legality of the City of Atlanta's Domestic Partnership legislation, let me again thank you for your wonderful Amicus Brief written on the City's behalf. While we in the City Attorney's office are confronted with Home Rule issues regularly, applying the concept of Home Rule to the Domestic Partnership ordinances was a novel and extremely challenging project for us. The legal issues were difficult, and there were no attorneys in the office with experience in this area to whom the lawyers assigned to the case could turn for guidance.

As the attorney primarily responsible for writing the City's appeal briefs, I can tell you that your participation in our case and your Amicus Brief helped our office in a number of significant ways. First, the City's appeal briefs were confined to legal analysis only. Your brief was able to address facts about alternative living arrangements and other domestic partnership policies which provided a context and justified the need for the City's legislation. Second, your legal analysis was excellent. Your brief was a tremendous aid to me while writing my Reply Brief in that it clarified legal problems which I had been struggling to work through. Your brief and your comments also helped my colleague in his preparation for oral argument. Lastly, I believe that your brief will be an invaluable resource for the Court in determining the outcome of the case.

Thomas F. Coleman
Spectrum Institute
January 17, 1995
Page Two

While I do not know how the Court will rule, I can say without a doubt that your participation in our case greatly enhanced our chances of victory. I know that you spent numerous hours working on the case, and I am sincerely grateful. I hope that you continue to provide your services to other cities and counties who will unfortunately be faced with similar legal challenges to their domestic partnership legislation. Your participation is a great benefit to those of us working to overcome these legal challenges.

Sincerely,



Robin Joy Shahr, Esq.
Assistant City Attorney

RJS:ljb



THE CITY OF

SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CA 92101 - 3864

OFFICE OF
PLANNING
DEPARTMENT
236-6460

January 31, 1991

Thomas F. Coleman, Esq., Executive Director
Family Diversity Project
P.O. Box 65756
Los Angeles, CA 90065

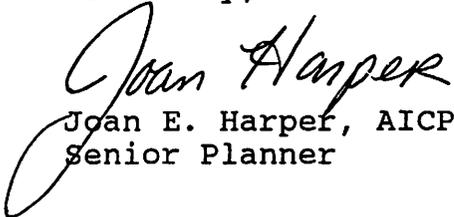
Dear Mr. Coleman:

SUBJECT: Proposed Family Zoning Regulations

Attached is Planning Report #90-077 regarding proposals to limit the number of unrelated persons who may occupy a single-family dwelling. We would appreciate your review of the attached materials. Your recommendations and any assistance or materials that you could provide would be greatly appreciated.

Thank you.

Sincerely,


Joan E. Harper, AICP
Senior Planner

Equality Colorado
PO Box 300476
Denver, CO 80203

March 19, 1997

Dear Mr. Coleman.

Thank you for the packet of information you sent on Domestic Partnership Benefits. It was wonderful to receive such in depth, thorough material. It adds a great deal to our files.

Again, thanks.

Anne Guilfoile
Equality Colorado

6/4/92

Tam —

I've never spoken with you
but get rave reviews all
the time. I thought this
information may be useful
to you.

Truly Yours

Mary Bonaiuto

GLAD

GAY & LESBIAN
ADVOCATES & DEFENDERS