



A M E R I C A N  
A S S O C I A T I O N F O R  
S I N G L E P E O P L E

Spectrum Institute, Research and Policy Division  
P.O. Box 65756 • Los Angeles, CA 90065 • (323) 258-8955  
Fax (323) 258-8099 • [www.singlepeople.org](http://www.singlepeople.org) • [unmarried@earthlink.net](mailto:unmarried@earthlink.net)

---

Responding to *Baker v. State*:

Legislative Options and  
Potential Consequences

Testimony of  
Thomas F. Coleman

Vermont Legislature  
House Judiciary Committee  
January 27, 2000

Executive Summary  
Seven exhibits also filed

# Testimony of Thomas F. Coleman

## Outline

- A. Express gratitude for the invitation to testify (1 min)
- B. Acknowledge the purpose of these hearings (2 min)
- C. Describe the focus of my presentation (3 min)
  - 1. Title of presentation
  - 2. Brief review of other testimony
  - 3. Desire to fill a gap in the proceedings and the record
  - 4. My method is to educate & explore issues, not to advocate for a particular result
- D. Explain who I am and whom I represent (4 min)
  - 1. Attorney - 26 years
  - 2. Currently, executive director of AASP (formerly Spectrum Institute)
  - 3. Concentration on marital status bias, family diversity, domestic partnership issues
  - 4. Methods: research, education, public policy studies, amicus briefs, expert testimony
  - 5. Changed from "Spectrum" to "AASP" to develop more grass roots support
  - 6. Our mission is to promote the well-being and civil rights of *all* unmarried adults
  - 7. Our website is the most authoritative source of information about issues affecting singles
- E. Describe the various exhibits being submitted (20 min)
  - White: testimony and executive summary of all exhibits (34+)
  - 1. Lavender: potential effects of legalization of same-sex marriage (44 pp)
  - 2. Green: global view: domestic partnership laws in other nations (92 pp)
  - 3. Gold: Hawaii: report of the commission on sexual orientation (30 pp)
  - 4. Blue: Hawaii: legislation actions 1994 to 1999 (50 pp)
  - 5. Pink: Tulane Law Review article (43 pp)
  - 6. Peach: national view: domestic partnership bills pending in other states (64 pp)
  - 7. Gray: marital status demographics: USA and Vermont (40 pp)
- F. Discuss the primary legislative options and their potential consequences (30 minutes)
  - 1. Do nothing
  - 2. Pass a bill to place proposed constitutional amendment on ballot
  - 3. Pass a bill this year to legalize same-sex marriage
  - 4. Defer the final vote on a remedy for a year or two
  - 5. Enact a comprehensive domestic partnership act this year
  - 6. Enact a limited domestic partnership act this year (in addition to or in place of #5)
  - 7. Expand protections against marital status discrimination (in addition to #5)
- G. Question & Answer session (60 minutes)

## Options

### 1. Do Nothing

- \* Plaintiffs return to court
- \* Court issues injunction ordering same-sex marriage licenses

### 2. Put Amendment to Constitution on Ballot

- \* Plaintiffs return to court before measure can be voted on
- \* Court issues injunction ordering same-sex marriage
- \* Unknown as to what voters would do if measure were on ballot
- \* Even if voters were to prohibit same-sex marriage, thousands of couples, including out-of-state couples, would have been married

### 3. Pass a law legalizing same-sex marriages

- \* Baker v. State becomes moot and is dismissed by the court
- \* Hundreds of Vermont same-sex couples may marry
- \* Thousands of out-of-state gay couples may marry in Vermont
- \* Same-sex married couples file lawsuits against federal agencies, other states, municipalities in other states, and private companies
- \* Federal grants to Vermont which use the term "marriage" or "spouse" may be called into question because of DOMA
- \* Interstate compacts may be implicated because of mini-DOMA's
- \* Uniform state codes may be implicated for the same reasons
- \* Vermont may be drawn into lawsuits with the federal government
- \* Vermont may be drawn into lawsuits with other states
- \* Vermont spouses may have to show birth certificates to prove male-female status if federal agencies or other states demand it
- \* Courts will have to decide if all of the legal presumptions and rules previously applied to male-female marriages will also apply to same-sex marriages

### 4. Defer final vote on a remedy to 2001 or 2002

- \* The Vermont Supreme Court asked the Legislature to legalize same-sex marriage, pass a comprehensive domestic partner law, or find some other manner of remedying the constitutional violation, giving lawmakers "reasonable" time to do so
- \* This is similar to the U.S. Supreme Court ordering the defendant in Brown v. Board of Education to integrate the school system with "all deliberate speed" which turned out to be 13 years
- \* In view of potential effects on private businesses, teenage marriages, federal grants, and interstate compacts, as well as the potential desirability of examining same-sex relationships within the larger context of other changing family structures, the Legislature may wish to convene a Joint Select Task Force on the Changing Family to study these issues further. The Task Force could conduct research, hold hearings, consult with experts, and issue a report and recommendations to the Legislature. If the report were filed in December 2000, the Legislature could take action in 2001. If the report were not filed until after May 2001, action could be taken in 2002.
- \* Plaintiffs would return to court to ask that the injunction issue
- \* The court would decide if it was "reasonable" for the Legislature to gather more information before selecting a remedy. Since the court took more than a year to decide the appeal, it is questionable whether it would require the Legislature to act more quickly

## Options

## Consequences

### 5. Enact a comprehensive domestic partner act this legislative session

- \* The Supreme Court suggested that a comprehensive domestic partnership act might satisfy state constitutional requirements
- \* Professor Peter Teachout has advised the Legislature that a comprehensive domestic partner act would satisfy the court
- \* This advice is similar to that given the Hawaii Legislature by constitutional law Professor Jon Van Dyke in 1996
- \* The Attorney General has advised the Legislature that the state could argue in court that such a step was a transitional move as the Legislature continued to explore the consequences and desirability of legalizing same-sex marriage in Vermont
- \* A model comprehensive domestic partnership act was drafted by the Hawaii Commission on Sexual Orientation in 1995 and could be adapted for use in Vermont (similar to S.B. 248)
- \* The prospects of such a law withstanding constitutional scrutiny by the Supreme Court would probably depend on four factors: (1) that it extends all benefits and obligations which the state currently extends within its borders to “spouses,” “family members” and “dependents,” and (2) that the legislation contain specific findings regarding the potential adverse consequences to the state and others if same-sex marriage were legalized at this time (e.g., federal and interstate conflict, etc.), and (3) making a new domestic partnership law available to same and opposite sex couples who meet the eligibility criteria; and (4) asking the Governor to convene a Task Force on Domestic Partnership Implementation to monitor the effects of the new law and to make recommendations for possible legislative changes next year
- \* Professor Teachout advised the Legislature of the need to “justify the distinction” if it acts now to adopt domestic partnership rather than immediately legalizing same-sex marriage
- \* Failure to make domestic partnership gender-neutral could subject the statute to constitutional challenges by heterosexual unmarried couples who are willing to assume all of the obligations under *state* law but who, for personal or religious reasons, do not want to be required to enter a marriage contract

### 6. Enact a limited domestic partner act

- \* If the Legislature were to extend only some of the benefits and obligations of marriage under state law to domestic partners, the court probably would find the remedy inadequate and would therefore issue an injunction legalizing same-sex marriages
- \* The Legislature could, however, enact a limited domestic partner act in addition to a comprehensive dp act, thus giving unmarried couples limited protections if they assume limited obligations, and full rights under state law if they assume full marital obligations
- \* Many unmarried couples, including many same-sex couples, might prefer a limited domestic partnership act

### 7. Expand protections against marital status discrimination

- \* To augment a domestic partnership statute, “marital status” and “domestic partner status” could be added to state civil rights laws
- \* A new law could be enacted requiring business which contract with the state to treat domestic partners the same as they treat married couples in employment, housing, or consumer practices

## Legislative Considerations:

# Some Potential Effects of the Legalization of Same-Sex Marriage in the State of Vermont

### **Potential Conflict with Federal Government**

The Defense of Marriage Act was signed into law by President Clinton on September 21, 1996. It declares that for purposes of federal law “‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.”

Some 30 states have passed similar laws in anticipation of the legalization of same-sex marriage in one or more other states. These “mini DOMA” statutes are intended to prevent the legalization of same-sex marriage in one state from having effect within the borders of a state which has passed such restrictive legislation.

The question arises as to what conflict might arise with the federal government or with other states if the Vermont Legislature were to remove the current gender restriction from its marriage laws and thus to legalize same-sex marriage in Vermont.

While no one can accurately predict whether state or federal courts would require the federal government or other states to give legal recognition to such marriages performed in Vermont, it is not hard to imagine the types of federal and interstate conflicts which may arise if the Vermont Legislature were to legalize same-sex marriage.

The federal government gives block grants to states. It also gives grants and loans to private businesses. Some of these federal grants and loans may use the term "marriage" in some of the terms and conditions or program specifications.

In view of DOMA, what will happen with respect to the administration of these grants and loans if Vermont legalizes all marriages regardless of gender? How will the federal government determine if a portion of the loan or grant is being used illegally (per DOMA)? Will the state have to set up two separate auditing and accounting systems? Will the federal government require that the gender of each recipient be determined by getting proof via a birth certificate? Will the state and the federal government become embroiled in litigation over these issues in a myriad of contexts?

### **Potential Effects on Private Employers**

Also, what would the effect be on private employers? The federal government exempts employment benefits to a "spouse" from income tax. An employer may not deduct tax from the employee's paycheck for benefits going to the spouse of an employee. It must deduct tax for benefits to domestic partners of employees (with certain exceptions). If Vermont legalizes same-sex marriage, what will private employers in Vermont do? Will they claim that DOMA is unconstitutional and not deduct and then be sued by the federal government? Will they deduct and then be sued by the employee and by unions? How will they legally determine if the employee and his/her spouse are opposite-sex married couples? Some names can be male or female. Some women look like men and vice versa. You can't always go by looks, and the law is not based on names or looks, but on the legal sex (male or female) of the individual. Will all employers in Vermont have to require all spouses to show proof of gender with their birth certificates just to be sure they are acting within the requirements of federal law?

### **Potential Conflict with Other States**

And what about Interstate Compacts? If Vermont has a written compact with another state for the exchange of prisoners, lets say, will the other state be reluctant to accept married prisoners from Vermont for housing in the other state for fear that they would be sued if they did not give conjugal visits to the prisoner and "spouse" if they find out after the transfer that the marriage is a same-sex marriage (assuming the other state provides for conjugal visits). Also, will other states be reluctant to transfer a prisoner to Vermont for fear that the prisoner may enter into a same-sex marriage while in Vermont and then will claim it is a legal marriage when he returns to the home state? There are other Interstate Compacts which use the term "marriage" in them. How will these compacts be interpreted if the other state has a enacted a "mini-DOMA" statute? Will Vermont wind up in litigation with dozens of states over the implementation of these compacts?

Also, there is the matter of Uniform State Codes. When they were adopted by the states, everyone assumed that the term "marriage" meant a male-female relationship. It was an assumed part of the law. What happens if Vermont broadens the term to include same-sex marriages? The interpretation and implementation of these various codes would no longer be "uniform."

### **Potential Effect on Teenage Children of Divorced Parents**

Vermont law allows persons between the ages of 16 and 18 to marry if only one of the parents consents. This statute was probably intended to be used in situations when a teenage girl was pregnant.

The legalization of same-sex marriage in Vermont would apply this statute to situations not involving pregnancy. A non-custodial parent, possibly living in another state, could legally give consent to a 16 year old to marry a person of the same sex. Such consent would appear to be effective even if the custodial parent were to object.

### **Potential Effects on Annulment Law**

At common law, a party to a marriage could seek an annulment if the spouse failed to or refused to consummate the marriage. Whether a marriage had been consummated was dependent on whether the man and woman had engaged in an act “sexual intercourse.”

Vermont has codified this common law principle in 15 V.S.A. § 515 which allows annulment on the ground of “physical incapacity” of a party.

If “sexual intercourse” between a man and a woman is a ground for annulment of a heterosexual marriage, then how will such a court determine if a female-female marriage or a male-male marriage has been consummated?

### **Potential Effects on the Presumption of Paternity**

In Vermont, as in many other states, a child born to a married woman is presumed to be the biological child of her husband. In some states, such as California, the presumption is conclusive. In Vermont, it may only be a rebuttable presumption.

If same-sex marriage is legalized in Vermont, how will this presumption apply to children born to a woman who is married to another woman?

### **Conclusion**

The Legislature and Governor may decide to legalize same-sex marriage and deal with these problems when they arise.

Maybe government officials in Vermont are willing to lead a national fight for same-sex marriage rights, engaging in any and all necessary litigation with the federal government and other states to advance this civil rights cause. Maybe they are willing to let the Vermont courts resolve intra-state problems on a case-by-case basis. Perhaps legalizing same-sex marriage in Vermont will force an answer to many of the questions mentioned above.

The purpose of this memo is to call attention to some of the potential ramifications of legalizing same-sex marriage so that legislators may make an informed decision in response to the Baker decision.

# Demographics:

## Marital Status and Households of Adults in Vermont and the USA, with Emphasis on Domestic Partners

### The Nation:

Marital status and household demographics of the adult population in the United States have changed dramatically over the years. In the 1950s, the dominant household type was that of a breadwinner husband and homemaker wife with minor children at home. Today, that type of arrangement constitutes only 10% of the nation's households.

The United States Census Bureau reported in 1998 that only 56% of the adult population was married and living with their spouse. More than 19 million adults or about 10% of the adult population was divorced. The number of adults who have never married has more than doubled in the past two decades, growing from 21.4 million in 1970 to 45.9 million in 1997.

About 12 million households in the nation contain single-parent families, mostly headed by women but with a growing percentage headed by men. There were about 4.1 million opposite-sex unmarried couples, of which more than 35% had children under 15 years old living with them. Another 1.7 million households contained two unrelated adults of the same sex.

### Vermont:

Vermont ranks number 22 among the states with respect to the percentage of men and women who are not married. About 42.3% of Vermont residents who are 15 years of age and older are unmarried. When only adults are considered, the percentage decreases to 40% being unmarried.

The number of marriages performed annually in Vermont dropped slightly between 1996 and 1998. The number of divorces rose a little.

Living arrangements in Vermont are quite diverse, although married-couple households remain the dominant type. About 23% of the state's households consist of a single adult living alone. More than 8% contain single-parent families. Another 8% of housing units include unrelated adults, some of whom are roommates while others are unmarried partners. Unmarried adult relatives live in another 4% of Vermont households. Married couples reside in some 56% of the state's housing units.

It is difficult to estimate the numbers of gays and lesbians living in Vermont since sexual orientation is often considered such a private matter. It is also difficult to determine what percentage of the population is homosexual, bisexual, or heterosexual in their sexual orientation since this status does not lend itself easily to objective quantification or labeling.



It is also hard to ascertain what percentage of a region's households contain domestic partners since most demographic data places those who are unmarried partners and those who are merely roommates in the same category.

However, estimates can be formulated when census data, employee-benefits enrollment information, and private polling results are analyzed and compared.

### **Projections:**

Despite all of these difficulties, one conclusion is fairly certain. If Vermont becomes the only state to legalize same-sex marriage, it is probable that tens of thousands of same-sex couples from other states would travel to Vermont to marry. Such interstate travel would be stimulated by the presumed portability of their newly acquired marital status, thus enabling these couples to demand marital benefits and protections in their home states.

If the Legislature were to enact a comprehensive domestic partnership act instead, the incentive for unmarried couples to travel to Vermont would be greatly diminished. Since no other state has yet adopted a comprehensive domestic partnership act, it is highly questionable that other states would be required to recognize Vermont domestic partnerships as the equivalent of marriage within their own borders.

The question does arise, however, as to the number of unmarried couples who live in Vermont, including same-sex couples, who might register as domestic partners if a statewide registry system were created by the Legislature.

Based on a variety of demographic data, it would be fair to conclude that during the first year of operation perhaps as many as 1,000 or more same-sex couples might take advantage of such a system and that possibly 2,000 or more heterosexual couples (including some seniors) may do the same. However, due to their unfamiliarity with the new system and a feeling of uncertainty over the significance of the new legal status they would acquire, many of these couples may not immediately jump at the chance to register as domestic partners. Some may prefer to delay their final decision on the matter until they can see how the system operates in real life, letting others test the waters.

The number of registrants may tend to diminish considerably each year since couples who have registered would remain registered indefinitely. New registrants in subsequent years would probably include immigrants to the state, some visitors, divorcees who establish a new relationship, and young people who reach the age of 18.

# Domestic Partnership Laws in Other Nations

No nation in the world has completely opened up its marriage laws to same-sex couples, nor has any state in the United States of America. However, several nations have devised methods to eliminate marital status discrimination against same-sex couples or other couples who are unmarried but who are living together in a family unit.

In *Baker v. State*, the Vermont Supreme Court suggested that the Legislature might look to some of these jurisdictions as it considers the possibility of creating a “domestic partnership” system parallel to marriage. The court stated:

“We do not purport to infringe upon the prerogatives of the Legislature to craft an appropriate means of addressing this constitutional mandate, other than to note that the record here refers to a number of potentially constitutional statutory schemes from other jurisdictions. These include what are typically referred to as “domestic partnership” or “registered partnership” acts, which generally establish an alternative legal status to marriage for same-sex couples, impose similar formal requirements and limitations, create a parallel licensing or registration scheme, and extend all or most of the same rights and obligations provided by the law to married partners.”

## Statutes Enacted into Law

### **Denmark:**

Denmark was the first nation to enact a comprehensive set of legal protections for same-sex couples. The Danish “Registered Partnership Act” became effective June 1, 1989. It created a statutory scheme parallel to marriage, making most of the benefits and obligations of marriage apply to registered same-sex partners. Notable exceptions included: (1) adoption of foreign children; (2) artificial insemination for female couples; and (3) church weddings in the official church of the state. Another distinction from marriage included a requirement that one of the partners must be a Danish citizen or the couple must have resided in Denmark for two years.

### **Norway:**

Norway adopted a similar “Registered Partnership Act” in 1993. It is virtually identical to the law passed in Denmark.

### **Sweden:**

Sweden passed a “Registered Partnership Act” in 1994. It is similar to the laws adopted in Denmark and Norway with the exception that it contains a provision giving reciprocity to similar partnerships entered into in other nations. Sweden has a separate “Domestic Partnership Act” for unmarried heterosexual couples.

## **Iceland:**

Iceland passed a "Registered Partnership Act" in 1996. It is similar to the laws in Denmark, Norway, and Sweden, and contains the same exceptions, but goes farther in one aspect. The law in Iceland allows for a second-parent adoption of children born to a partner in a previous opposite-sex relationship.

## **Hungary:**

In 1995, Hungary's Constitutional Court declared unconstitutional a law giving various rights and protections to opposite-sex "common law" couples but denying them to same-sex couples. It ordered the Parliament to cure the problem by March 1, 1996. The court made it clear, however, that it was not dealing with ceremonial marriages authorized by civil law. Parliament removed the restriction in 1996, thereby placing unmarried same-sex couples on the same par as unmarried opposite-sex couples.

## **Netherlands:**

A "Registered Partnership Act" became effective in the Netherlands on January 1, 1998. This law is broader than the others in two respects. First, it is explicitly open to heterosexual couples as well as gay and lesbian couples. Second, there is no restriction for artificial insemination. The law, however, does not automatically make a partner the legal parent of his or her partner's biological child as marriage law does for a heterosexual married couple. A separate procedure for joint custody is available to the registered partners.

During the first year of operation, the registered partnership law was fairly popular with same-sex couples as well as heterosexual couples. Nearly 4,000 couples registered in 1998, including 1,200 female couples, 1,500 male couples, and 1,300 heterosexual couples.

A bill was introduced in 1999 to take the next step, namely, removing the gender restriction from the marriage laws. It is expected the bill will pass this year and become effective in 2001 or 2002. This would make the Netherlands the first nation to legalize same-sex marriage. Under the bill, however, registered partnership would not be abolished. All couples regardless of gender would have the option of registered partnership or marriage, and the bill contains a provision that would allow couples to transfer from registered partnership to marriage or vice versa.

The Netherlands has also taken steps to accommodate the needs of couples who want some legal protections but not all of the rights and obligations of marriage. Couples may enter into a cohabitation contract to spell out their rights and obligations to each other, without assuming obligations to third parties as required by marriage or registered partnership.

## **Belgium:**

Belgium has started the process of reform by passing a "Cohabitation Contract Act." Such a contract may be formed by two unmarried adults of the same sex or opposite sex, even if they are related by blood. The contract must be signed by a notary public and registered with a city clerk. While the contract is in effect, both parties are jointly responsible for the expenses incurred in their life together and all reasonable debts contracted for this purpose. The law does not affect parental authority over children, inheritance without a will, taxes, or immigration rights.

## **France:**

A new relationship known as a “Civil Solidarity Pact” was recognized by the law in France effective November 15, 1999. Passage of this legislation was the result of a ten year process.

The civil solidarity pact is a contract binding two unmarried adults of the same sex or of different sexes, in order to organize their common life. Partners must register the contract with the local court where they live. The pact may be dissolved by common consent of the partners, by marriage of one of them, by death, or after a three months delay at the request of one of the parties.

Partners are eligible for joint taxation benefits after three years. Inheritance rights exist after two years. A tenant’s lease may be transferred to a partner if one of them leaves or dies. The health benefits one partner are available to the other.

## **Canada:**

Numerous statutory protections and benefits for “common law spouses” have been enacted over the years in Canada. These legal protections exist at the federal level as well as in the provinces. All of these statutes have had a clause limiting their scope to persons “of the opposite sex.”

The law in Canada does not recognize “common law spouses” as legally married couples. It has merely attempted to eliminate marital status discrimination against unmarried heterosexual couples who have been living together as though they were married.

But not all statutory protections of marriage were extended to “common law spouses.” Unmarried heterosexual couples won a victory in the Supreme Court of Canada in 1995. In *Miron v. Trudel*, the court ruled that marital status discrimination violated the federal Charter of Rights and that excluding common law couples from various marital protections violated equal protection.

Same-sex couples have mounted many legally challenges to their exclusion from these statutes. After winning some cases in administrative tribunals and in provincial courts, they finally secured a victory in the Supreme Court of Canada in 1999. In *M v. H*, the Supreme Court ruled by an 8 to 1 vote that the exclusion of same-sex couples from the protections afforded by “common law spouse” statutes was unconstitutional.

As a result of this ruling, the federal and provincial Parliaments have been considering measures to cure this constitutional defect. The Law Revision Commission of Canada will also study the feasibility of extending these protections to all adult relationships of dependency and not merely those which have a sexual component. If such a recommendation is made and adopted, any two unmarried adults, including blood relatives, would be protected equally by the law.

## Legislative Proposals

### **Spain:**

Domestic partnership bills have been pending in the federal Parliament in Spain each year since 1996. They would extend various protections and benefits to unmarried couples of the same sex as well as the opposite sex. One of the bills came close to passing in 1997 when a tie vote occurred.

In the meantime, two provinces in Spain have granted domestic partnership rights to their residents to the extent that local governments have the authority to do so. Catalonia passed such an act in 1998. Aragon followed in 1999. The laws in both regions apply equally to all unmarried couples whether heterosexual or homosexual.

### **Portugal:**

A domestic partnership bill was introduced in Portugal in 1997. The law would give legal protections to same-sex and opposite-sex unmarried couples. Partners living together would receive the same benefits as married couples.

### **Finland:**

Finland has lagged behind the other Scandinavian nations with respect to registered partnerships. A proposal was introduced in 1996 and again in 1997 but to date it has not been enacted. The proposals in Finland are similar to those adopted in Norway and Sweden.

### **Germany:**

A registered partnership bill was introduced in Germany in 1999. It would apply many of the benefits and protections of marriage to registered partners. From reading the bill, it is unclear whether it is limited to same-sex couples or whether unmarried heterosexual couples would also be eligible.

### **Australia:**

Bills are pending at both the federal and provincial levels of government in Australia to give more legal protections and benefits to "de facto" spouses. In some cases, the law already gives many protections to unmarried heterosexual couples. Some of these laws have been extended to same-sex couples. There is a growing movement to expand these laws further and to apply all of them to "de facto" spouses regardless of gender. The proposals under consideration do not require couples to register their relationships but are premises on proof that the couple is living together in a marriage-like relationship.

## Other States:

### Domestic Partnership Bills Pending in States Throughout the Nation

#### **Wisconsin**

This is the only state, other than Vermont, where a comprehensive domestic partnership bill is currently pending. AB 608 is very similar to the bill recently introduced in Vermont (SB 248).

Both the Wisconsin bill and the Vermont bill seem to be patterned after a measure introduced in Hawaii in 1999 (HB 884). All of these bills follow the path of the model bill proposed in the report of the Hawaii Commission on Sexual Orientation and the Law which was issued in December 1995. Wisconsin also has a bill pending (AB 609) which is more limited. That bill would give domestic partner benefits to government employees. Both of the bills pending in Wisconsin are gender-neutral and would apply equally to same-sex and heterosexual unmarried couples who meet the eligibility criteria.

#### **Washington**

HB 2037 deals with state employment benefits. It is gender neutral and open to all unmarried couples regardless of sexual orientation.

#### **Rhode Island**

HB 5619 would give benefits to domestic partners of state employees. It applies to same and opposite-sex couples alike.

#### **New York**

This state has five bills pending. AB 7463 would amend the election law to treat domestic partners the same as spouses and other close family members. SB 2670 would allow a surviving dp to use his or her deceased partner's sick leave if the deceased partner is a state civil servant. SB 2745 establishes priority for the designation of persons who may control the disposition of remains of a deceased person. SB 3273 would create a state registry, prohibit discrimination against dp's in employment, housing, and business transactions, and require insurance companies to offer coverage to dp's just as they offer coverage to spouses. AB 6286 is the same as SB 3273. All of these bills apply equally to same-sex and opposite-sex domestic partners.

## **New Hampshire**

HB 1567 would give benefits to the domestic partners of public employees. It is gender neutral and applies to same and opposite-sex domestic partners.

## **Massachusetts**

This state has five bills pending. Only one (HB 308) is limited to same-sex couples. The rest are gender neutral. HB 3377 relates to equal employment benefits for public service employees. SB 2044 covers the same topic, but has been merged into SB 2048. SB 2048 has passed the Senate and is pending in the House. HB 4947 is limited to authorizing the town of Amherst to give dp benefits to its employees.

## **Florida**

There are two bills pending in this state. Both are identical. SB 686 and HB 29 would create a state registry for domestic partners, entitle them to hospital visitation rights, and require health insurance companies to offer dp coverage on the same terms as they offer spousal coverage. The definition of dp in these bills is broader than usual in that it does not contain a blood-relative exclusion. Any two unmarried adults who meet the criteria are included in the bills. By not excluding blood relatives, the bills remove any presumption that domestic partnership is a sexual relationship. It may be or it may not be, depending on the circumstances. The definition is similar to SB 118 in California.

## **California**

There are three bills pending in California. AB 901 would remove state income tax on dp employment benefits, just as they are not taxable for spouses. SB 118, which has passed the Senate and is pending in the Assembly, would grant extended family leave rights to domestic partners, just as they are granted now for other close family relationships.

SB 1050 would amend the statutory will form to provide a place for domestic partners and would amend procedural law in conservatorship proceedings to give dp's notice, a right to participate, and priority to be named a conservator. The definition in all three bills is different. SB 118 is super-inclusive (open to same sex and opposite-sex couples as well as unmarried blood relatives) and as a result is actually being supported by the California Catholic Conference (the association of bishops in the state). They can support this dp bill because the definition does not assume that dp's are in a sexual relationship. AB 901 is gender neutral and applies to same and opposite sex couples alike. SB 1050 tracks the definition of the new state registry which is open to same-sex couples over the age of 18 and to heterosexual couples over the age of 62. This definition is rather strange since it excludes unmarried opposite-sex couples between the ages of 18 and 62, it is inconsistent with the state Legislature's own benefits program (which is gender neutral) and is inconsistent with all local government programs in the state (which are gender neutral).

## Tulane Law Review:

### “The Hawaii Legislature Has Compelling Reasons to Adopt a Comprehensive Domestic Partnership Act”

The Hawaii Supreme Court was the first court in the nation to rule that a gender restriction in a marriage statute may be unconstitutional. It left open the question, however, as to whether the government could prove that compelling reasons existed to limit marriage to opposite-sex couples.

The threat of a judicial fiat legalizing same-sex marriage prompted the Hawaii Legislature to seriously consider other alternatives. Constitutional law Professor Jon Van Dyke advised legislators that nothing short of a comprehensive domestic partnership act would pass judicial scrutiny.

Known for his ongoing expertise in this field, Los Angeles attorney Thomas F. Coleman was invited by the Hawaii Commission on Sexual Orientation and the Law to discuss the domestic partnership option with commissioners in 1995. The following year, he was one of three witnesses invited by the Senate Judiciary Committee to make a presentation at an informational briefing for senators on the issue of domestic partnership.

Coleman spent several weeks in Hawaii during the 1996 legislative session. He met personally with almost all of the legislators or their staff members. He analyzed all proposed legislation introduced that year and testified at several committee hearings.

As a result of his experiences in Hawaii in 1995 and 1996, as well as his prior experience in October 1993 when he testified before a legislative committee about the option of domestic partnership, Coleman decided to write a law review article on this issue.

The article was published in “Law and Sexuality,” a periodical published and edited by the students of the Tulane University School of Law. Although it appeared in the official 1995 edition, that volume was not released until the summer of 1996. Because of this delay in publication, the process and results of the 1996 legislative session in Hawaii were able to be included in his article.

The article was not intended as a form of political advocacy. It did not argue that same-sex marriage should not be legalized in Hawaii or elsewhere. Rather, it was intended to explore issues which had been virtually ignored by legal treatises and legal scholars, most of whom were advocating either for or against gay marriage. The article focused on legal concepts such as “equity versus identity” and “all deliberate speed.” It also examined potential state interests which a court might find as compelling reasons to support the enactment of a comprehensive domestic partnership act.

The article, a copy of which is included in this booklet, also contains the framework for a comprehensive domestic partnership act, including potential legislative findings, as well as a copy of a model act which Coleman presented to the Hawaii Commission on Sexual Orientation and the Law.



# Hawaii Materials: Report of the Commission on Sexual Orientation and the Law

The Commission on Sexual Orientation and the Law was created by the Hawaii Legislature to examine how state law treated same-sex couples and to make recommendations for possible legislative changes.

The Commission issued a report to the Legislature in December 1995. It recommended that the Legislature legalize same-sex marriage. Alternatively, it proposed that the Legislature enact a Comprehensive Domestic Partnership Act open to all unmarried couples regardless of their gender. Based on a model supplied by Los Angeles attorney Thomas F. Coleman, a national authority on family diversity, domestic partnership, and marital status discrimination, the Commission's report included the draft of a model domestic partnership act. That model act was mentioned by the Vermont Supreme Court in its recent opinion in *Baker v. State*.

During his testimony before the Commission in October 1995, constitutional law Professor Jon Van Dyke advised the Commission that in his opinion the Hawaii Supreme Court would uphold a decision of the Legislature to adopt a comprehensive domestic partnership act rather than legalizing same-sex marriage. He stressed, however, that in order to pass constitutional muster such a law would have to be truly "comprehensive" and confer all or most of state-law benefits and obligations of marriage to domestic partners. Professor Van Dyke reaffirmed this position during subsequent testimony before the Legislature in 1996.

The model domestic partnership act was introduced into the Hawaii Senate as SB 3113 in January 1996. The bill passed the Senate but was not voted on in the House. Inaction in the House was probably due to the fact that virtually no one was lobbying for the bill. Gay and lesbian rights activists, spurred on with hopes for a judicial victory, demanded nothing short of gay marriage. Conservatives, with backing from many religious leaders and organizations, opposed any reform whatsoever and insisted that the Legislature put a constitutional amendment on the ballot to prohibit same-sex marriage. As a result, the 1996 legislative session ended in a stalemate because Senate leadership was not willing to approve a constitutional amendment and House leaders were unwilling to pass a domestic partnership act.

The materials in this booklet include: (1) excerpts from the Commission's report; (2) summaries of the testimony of Professor Van Dyke and attorney Thomas F. Coleman before the Commission in October 1995; and (3) a special report published by Spectrum Institute which was distributed to commissioners at the request of Commission Chairperson Thomas Gill.

A second booklet has been prepared which contains relevant materials from legislative sessions in 1996 through 1999. A third booklet contains a law review article published in 1996 which discusses why the Hawaii Legislature had compelling reasons to pass a comprehensive domestic partnership act and why the state Supreme Court might find such a law constitutional.

**BIOGRAPHICAL INFORMATION ON**  
**THOMAS F. COLEMAN**  
**EXECUTIVE DIRECTOR**  
**AMERICAN ASSOCIATION FOR SINGLE PEOPLE**

Thomas F. Coleman has been practicing law since 1973. During that time, he has become a national authority on marital status discrimination, singles' rights, family diversity, and domestic partnership issues.

Over the years, Mr. Coleman has appeared on national television broadcasts to discuss discrimination against single persons and unmarried couples. He has been a guest on **ABC Nightline**, the **Today Show**, and **Fox News Network's O'Riley Report**. He has also been interviewed on national news programs, such as **CBS Evening News**, **ABC World News**, and **CNN News**.

Mr. Coleman has been quoted as a legal expert on the topics of singles rights and family diversity by journalists writing for major newspapers such as the **Los Angeles Times**, **San Francisco Chronicle**, **New York Times**, and the **Philadelphia Inquirer**.

Mr. Coleman has achieved numerous legal and political accomplishments and has conducted several policy studies for government officials.

In 1999, Mr. Coleman was asked by lawmakers in **Michigan** and **Illinois** to testify as an expert witness when pending bills were heard in legislative policy committees.

A bill in **Michigan** would have legalized marital status discrimination in employment, housing, public accommodations, and government services against any unmarried adult who decided to live with another adult to whom they were not legally married. Largely as a result of Mr. Coleman's testimony, a vote on the bill was postponed by the committee chair and a few days later the author removed it from consideration.

An proposal in **Cook County**, Illinois, would have extended job benefits to same-sex partners of county workers. As a result of Mr. Coleman's testi-

mony, several commissioners agreed to consider extending the benefits to all couples regardless of gender.

In 1998, the **Michigan Supreme Court** ruled that the state civil rights law prohibiting marital status discrimination protected unmarried couples from housing bias. The court rejected a landlord's argument that he should be exempt from the fair housing law because of his religious beliefs against unmarried cohabitation. Mr. Coleman filed an *amicus curiae* brief in the case on behalf of AASP.

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 **Illinois Court of Appeals**. 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 redefined the statute to apply to public sexual conduct, sex by force, and sex with minors. However, it sidestepped the issue of consenting adult sex 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 an *amicus curiae* brief in the landmark case of *Braschi v. Stall Associates* (1989) 74 N.Y. 201. The **New York Court of Appeals** (the state's highest court) ruled 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 several years, Mr. Coleman worked 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 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. Much of the report focused on the privacy rights of seniors, people with disabilities, unmarried couples, and gays and lesbians. Mr. Coleman was the author of the final report of the Privacy Commission.

In 1979, Mr. Coleman convinced the **California Supreme Court** to protect the First Amendment right of one adult to ask another to engage in private sexual conduct, without fear of arrest under the sexual solicitation law.

In 1972, as a representative to the **American Bar Association, Law Student Division**, Mr. Coleman convinced that body to adopt a resolution known as the "Single Persons Bill of Rights," which he authored. The resolution called for passage of civil rights laws prohibiting marital status discrimination in employment, housing, and public accommodations.

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.



## Mission Statement

AASP is a nonprofit, nonpartisan association dedicated to promoting the well being and civil rights of our members and of all unmarried adults, whether they live alone or with a roommate, domestic partner, parent, child, or other relatives.

### Membership

Any adult may become a member of AASP by making a tax-deductible contribution of \$10 or more. Membership is open to all adults whether they are single, divorced, widowed, separated, married, or have a domestic partner. Members receive Unmarried America, a quarterly newsletter which contains information and news concerning economic, social, and legal issues affecting single adults and domestic partners. Members also receive Singles Rights Advocate, a quarterly newsletter focusing on legislative proposals and political issues of interest to unmarried Americans.

### What We Do

AASP has three primary program areas: research and education; legal, *legislative*, and *political* advocacy; and member services. Our activities in these areas are listed below. Programs in italic type are administered by our affiliated organization, Singles Rights Lobby.

**Research and Education.** Through its publications, website, and participation in educational forums, AASP informs members and the public about economic, social, health and legal issues that affect 80 million unmarried Americans. Spectrum Institute, our research and policy division, conducts research from a variety of academic perspectives, including law, political science, sociology, psychology, public opinion, and demography, and shares our findings with elected officials, corporate executives, and the public. Our media activities include writing op-ed articles in

newspapers, providing background information and interviews to journalists, and appearing on radio talk shows and television programs.

**Advocacy.** As the leading advocate for unmarried Americans, AASP encourages government agencies and nonprofit civil rights organizations to fully implement existing laws prohibiting marital status discrimination in employment, housing, insurance, credit, and consumer transactions. We also encourage government agencies to administer their programs in a manner consistent with constitutional principles of due process, equal protection, privacy, and separation of church and state. We file amicus curiae briefs in important test cases. Our *legislative advocacy program* drafts, proposes, analyzes, and monitors legislation designed to protect the rights of unmarried adults and opposes legislative proposals which may cause harm to single people and their families. Our *political advocacy program* reaches out to all political parties in the nation, encouraging them add unmarried people and our issues to their party platforms and by-laws. That program also urges political candidates to support equal rights for single people and domestic partners and to oppose marital status discrimination.

**Member Services.** In the future, when our membership increases sufficiently that we are able to negotiate agreements with businesses, AASP members will have an opportunity to participate in programs providing discounts on consumer products and services. Each of these programs will be designed to meet the needs of unmarried adults, couples, parents, and families, offering exceptional values at affordable prices.

## From Family Diversity to Spectrum Institute to AASP: Our Accomplishments, Our Current Activities, and Your Future

The Family Diversity Project was launched in 1985. The project involved an unincorporated association of educators, lawyers, and political advocates who shared a similar vision: a society which recognized freedom of choice in highly personal decisions and which respected diverse family living arrangements.

The Family Diversity Project initiated the first law school class in the nation on "Rights of Domestic Partners." It was taught for several years at the University of Southern California Law Center by the project's executive director, attorney Thomas F. Coleman.

The creation of the Los Angeles City Task Force on Family Diversity was also stimulated by the Family Diversity Project. The Task Force was the first local government study of public policy and contemporary family life in a pluralistic society. The Task Force issued a landmark report in 1988 which made over 100 recommendations on how the city of Los Angeles could improve the quality of life for *all* of its diverse families.

The Family Diversity Project also participated in landmark court cases. For example, it filed an *amicus curiae* brief in the case of *Braschi v. Stahl Associates*. In that case, New York's highest court ruled that a "family" may include people who function as a family unit even though they are not related by blood or marriage.

The Family Diversity Project went through a legal transformation in 1987 when it became a tax-exempt nonprofit corporation known as Spectrum Institute.

Spectrum Institute focused its research, education, and advocacy efforts on three goals: promoting respect for family diversity, securing legal and economic protections for domestic partners, and eliminating marital status discrimination. The issues involved personal privacy for consenting adults, and equitable treatment of unmarried adults as citizens, employees, tenants, and consumers.

Spectrum Institute worked closely with the media. Its projects and cases were mentioned by major newspapers. Its representatives appeared on television programs such as Nightline, Today Show, CBS Evening News, CNN News, and ACB World News Tonight. It assisted KCET Public Television with the production of a 30-minute documentary on "Family Diversity."

Spectrum Institute helped public officials as they conducted policy studies involving the rights of single people and domestic partners. For example, Spectrum assisted with the production of policy reports issued by the California Legislature, California Insurance Commissioner, and Los Angeles City Attorney.

Spectrum filed *amicus curiae* briefs in landmark test cases in appellate courts in Alaska, California, Illinois, Michigan, and Georgia.

Spectrum Institute also assisted businesses and labor unions. It helped AARP conduct a study on the needs of older adults living in nontraditional households.

Over the years, the Family Diversity Project and Spectrum Institute have helped to change the way the public views single people and the way unmarried adults are treated by government agencies and private businesses.

Our efforts have helped to cause domestic partner benefits programs to emerge. When we began in 1985, there were only two municipalities and one private business with such benefits programs. Today there are hundreds. When we began in 1985, the legal rights of unmarried adults had been largely ignored by the courts. Today, there are favorable precedents by several state supreme courts.

But there is still a lingering stigma associated with being unmarried in America. Marital status discrimination remains a pervasive problem which threatens the rights of the 80 million unmarried adults in the United States.

We have come to realize that the only way to create effective and lasting change is to harness the collective power of single people. Individual voices are too weak to be heard by corporate and government leaders. But collectively, the power of millions of unmarried adults can cause attitudes to change and policies to be revised in the workplace, in the marketplace, and in government circles.

It is with this awareness – the need for collective and united action – that Spectrum Institute has made another transformation. We have changed our name to the American Association for Single People and we are inviting unmarried adults to become members of AASP by making a tax-deductible contribution of \$10 or more.

We hope to do for single people and domestic partners what AARP has done for seniors, namely, to harness the collective power of millions of people to insure that their views are considered by those in positions of power and that members of the group are treated with respect and fairness.

It is in this spirit, and with our history of accomplishments in mind, that we invite you to become a member of AASP. Your support will help us create a better future.

Our current programs are listed on the following pages. Please help us continue this important work by joining AASP.



*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



# The Policy Institute National Gay and Lesbian Task Force

June 2, 1999

Thomas F. Coleman, Executive Director  
Spectrum Institute  
American Association for Single People  
P.O. Box 65756  
Los Angeles, CA 90065

Dear Tom:

Thank you for all of your assistance in helping me to create *The Domestic Partnership Organizing Manual* for the Policy Institute of the National Gay and Lesbian Task Force. Your vast expertise in the area of domestic partnership policy was tremendously useful in crafting this key resource for the lesbian, gay, bisexual, transgender (GLBT) and ally community.

I am particularly appreciative of the perspective you lent with regard to domestic partnership benefits and their importance to unmarried, heterosexual couples. Your advocacy on behalf of these constituents was one of the driving forces behind the manual's strong stance favoring domestic partnership benefits for all, rather than solely GLBT couples. In my consultations with companies and individuals working toward domestic partnership benefits, many have been persuaded to include opposite-sex, unmarried couples in their policies as well. The work that you do and the arguments you further continue lay the groundwork for these accomplishments.

Once again, thank you for contributing all of your knowledge and support. I look forward to collaborating with you again on future projects.

Sincerely,

Sally Kohn  
Research Fellow

121 West 27th Street  
Suite 501  
New York, NY  
10001-6207

VOICE 212.604.9830  
FAX 212.604.9831

<http://www.nglftf.org>  
[nglftf@nglftf.org](mailto:nglftf@nglftf.org)  
CFC # 2622



PLEASE RESPOND TO:  
 SACRAMENTO OFFICE  
STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0001  
(916) 445-8077  
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!*



July 18, 1996

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

Dear Mr. Coleman:

On behalf of all of us here at BENCOM, we would once again like to take this opportunity to thank you for your support as a member of our faculty. We just received the attendee ratings of the conference, and clearly your participation was very well received.

The attendees at your session rated your presentation, content and handout material very high. For content/quality, a rating of 4 from a possible 5 was received; a score of 5 for handout material and 4 for speaker delivery. These are very high marks! Congratulations.

We also heard a lot of comments from attendees, that this session was one of the best, as it brought to light issues that were too many to discuss. BENCOM's objective is to **EDUCATE**, and your session met this objective head on.

Again, thanks for taking the time and we hope you will want to join the BENCOM faculty again at future programs. BENCOM II is sure to triple in size based on the favorable comments we have received.

Sincerely,

James A. Kinder  
Chief Executive Officer

10:15 a.m. -  
11:15 a.m.  
  
Grand Ballroom F

**GENERAL SESSION #5**  
**"Will Domestic Partner Benefits Be In Your Future?"**  
The issues have been raised and the industry is taking a position. Coverage for a Domestic Partner is being done with many qualifications. Get the how, when, and why to update your company when your employees are in need.  
*Speaker:* **Thomas F. Coleman**  
President, Spectrum Institute



# 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 Shahar, Esq.  
Assistant City Attorney

RJS:ljb



**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



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  
Pat

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



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  
213/913-4692





California Legislature  
Senate Rules Committee

MEMBERS  
WILLIAM A. CRAVEN  
VICE CHAIRMAN  
ROBERT G. BEVERLY  
HENRY J. MELLO  
NICHOLAS C. PETRIS  
CLIFF BERG  
EXECUTIVE OFFICER

DAVID ROBERTI  
Chairman

January 18, 1991

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

Dear Ms. Coleman:

With the conclusion of the work of the Joint Select Task Force on the Changing Family, which has sunsetted, the Senate Rules Committee would like to extend our deepest thanks and appreciation on behalf of the people of California for your dedicated and thoughtful service.

If I may be of assistance in the future, please don't hesitate to call on me.

Sincerely,

A handwritten signature in cursive script that reads "David Roberti".

DAVID ROBERTI

DR:nmjm