

# Demanding gay marriage; One gay man's account of the struggle to have his union recognized

Dean, Craig. GCN : Gay Community News 19. 7 (Aug 31, 1991): 7.

[Turn on hit highlighting for speaking browsers](#)

[Hide highlighting](#)

## Abstract (summary)

Translate [unavailable for this document]

My lover, Patrick Gill, and I filed for a **marriage** license with the District of Columbia. We did so because the mayor of Washington, Sharon Pratt Dixon, said during her campaign that she favored legalizing same-sex **marriage** and that "society is a changing place and it [**gay and lesbian marriage**] is something we should accept." So, based upon her campaign promise, Patrick and I filed for a **marriage** license after Ms. Dixon was elected mayor. Yet, the district government denied us the right to marry because we are a **gay** male couple.

Let us set the record "straight." If a same-sex **marriage** case is winnable anywhere, it is winnable in Washington, D.C. We went to court for our first hearing on July 12, 1991. We are still in litigation, as the judge has requested supplemental briefs to be submitted by October 1, 1991. Contrary to some of the misinformation going around, our case is not in federal court, it is in the local D.C. court system, which is probably the most **gay**-positive jurisdiction in the country. Unlike prior same-sex **marriage** cases brought 20 years ago, our case is the first one to arise in a jurisdiction that explicitly prohibits discrimination against **gay** and lesbian people in all aspects of life. The D.C. courts have interpreted the Human Rights Act in ways that strengthen and broaden it. In a recent case involving Georgetown University, **gay** and lesbian students won university recognition of their group, which Georgetown initially had denied. In that case, the D.C. court of appeals held that the "eradication of sexual orientation discrimination is a compelling governmental interest." The court elevated anti-**gay** discrimination to the same level as racism and sexism, holding all three types of discrimination to be equally repugnant to society. Also, similar to us, the court concluded that students could not be denied tangential benefits based upon their sexual orientation no matter how repugnant it was to the university, a Catholic institution.

As for whether **gays** and lesbians should seek **marriage** at all, some critics say that homosexuals should not mimic heterosexual lifestyles. This argument is dangerous because it tends to buy into homophobic fears that **gay** men and lesbians should not be married lest it make a farce of the marital institution. The issue is not whether all **gay** men and lesbians should get married; it is the ability of **gay** and lesbian people to determine their own family structures, and whether they should have the access to the same choices heterosexuals make. It is like the issue of **gay** people serving in the military. Whether **gay** men or lesbians should serve the U.S. military-industrial complex is considered a legitimate point of debate. However, no one in the **gay** community seriously argues that they should be denied the option of joining. It is the option, the choice, that counts. **Marriage** has traditionally been an attractive option for people, as it provides stability and societal respectability. Same-sex **marriage** would most likely increase desegregation, tolerance and acceptance of the **gay** and lesbian community.

## Full Text

Translate [unavailable for this document]

My lover, Patrick Gill, and I filed for a **marriage** license with the District of Columbia. We did so because the mayor of Washington, Sharon Pratt Dixon, said during her campaign that she favored legalizing same-sex **marriage** and that "society is a changing place and it [**gay and lesbian marriage**] is something we should accept." So, based upon her campaign promise, Patrick and I filed for a

**marriage** license after Ms. Dixon was elected mayor. Yet, the district government denied us the right to marry because we are a **gay** male couple.

As a result, we filed a lawsuit alleging two-fold discrimination: 1) violation of the district's gender-neutral **marriage** law, and 2) violation of the district's Human Rights Act, which explicitly prohibits discrimination based on sexual orientation. The Human Rights Act mandates that "every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the district and to have an equal opportunity to participate in all aspects of life." The act further states that the intent behind this legislation is to "end ... discrimination [in the District of Columbia] for any reason ... [including] sexual orientation."

What good are such lesbian-and **gay**-rights laws in D.C., New York, Massachusetts or anywhere else if they are not used?

Taking the lead

The main reason that Patrick and I are demanding equality for **gay** and lesbian relationships is because it is the right thing to do. Otherwise, if we did not demand our rights, we would be agreeing with the dysfunctional fears of homophobes who posit that **homosexual** relationships do not have the same quality and value as heterosexual relationships. Homophobes fear the day when states will legally recognize **homosexual** relationships. Unless we assert ourselves and fight for our right to marry, we would be giving into homophobia--perhaps even our own homophobia.

It has been tough. But our love for each other gives us the strength to carry on this battle for what we know is just. We do not believe our love is of any less magnitude or importance than that of any other couple in a long-term committed relationship. For that reason we want the legal recognition of our upcoming Holy **Union** ceremony which would be offered without question if one of us were female. We demand the same rights and benefits that are automatically bestowed upon heterosexual couples. These rights and benefits protect and reinforce relationships. Yet these rights are denied us for only one reason--because we are queer!

Married couples have many significant rights that unmarried couples--even "domestic partners"--cannot have. For instance, married couples have the automatic right to be on each other's health, disability and life insurance policies, as well as to be on each other's pension plans. Married couples get special tax preferences for exemptions, deductions and refunds. As a matter of right, married couples are also able to own real and personal property jointly, and to protect that property from each other's creditors. Spouses automatically inherit property and have rights of survivorship. While for

same-sex couples the family is next of kin, for married couples a spouse is the next of kin in case of death or medical emergencies, and spouses may therefore make important decisions for their partners. Last, and certainly not least in light of the AIDS crisis, a spouse can make financial decisions in the case of a partner's incapacity. Need we be reminded of the plight of Karen Thompson and Sharon Kowalski?

In the District of Columbia alone there are more than 100 automatic **marriage**-based rights. In D.C., heterosexuals can meet each other tonight in a bar and have more rights through **marriage** within five days than Patrick and I are able to obtain after five years of being together. This is an incredible act of multiple discrimination against lesbian and **gay** people. It is outrageous, and we are doing something about it.

Following

Not everyone can take the lead on every issue. It is gratifying that many have chosen to help us on the issue of same-sex **marriage**. We have received letters and expressions of support from thousands of lesbians and **gay** men from all over the world. We were honored to be the Grand Marshals of **Gay** Pride parades from Baltimore to Hawaii. National groups such as the National Organization for Women, the National **Gay** and Lesbian Task Force, Parents and Friends of Lesbians and **Gays**, Queer Nation and many Washington, D.C., groups have expressed support for our case. The Human Rights Campaign Fund has written D.C.'s mayor on our behalf, saying:

The discrimination that thousands of Lesbian and **Gay** residents of the District experience is reinforced when the government of the District treats these Lesbian and **Gay** men differently from non-**Gay** residents and denies them benefits, licenses and privileges based solely on their sex and sexual orientation. There is no legal barrier; in fact, current District law requires no discrimination. Neither is there a policy barrier, the same policies that support civil **marriage** between men and women apply with the same force to same-sex couples. If two individuals desire to establish a **union**, which by law imposes certain responsibilities and creates certain benefits, the government and the society that it serves have the same interest in validating that **union** regardless of ... sexual orientation.

We are fortunate that the mainstream media is following this issue too. The media has shown an intense fascination with the **gay marriage** issue. There was a time when the news media would ignore **gay** issues. But in the wake of the massive AIDS coverage during the past few years, now the media seems ready to cover other, more positive **gay** issues.

Enter the **gay marriage** proposal. As far as Pat and I can tell, coverage of our fight represents the first time the media has been willing to portray consistently a **gay** issue in a positive manner to so broad an audience. It is difficult to know how many millions we have reached, but by adding the estimated viewership of our television appearances alone, the number is as high as 50 million. We have appeared on the Oprah Winfrey Show, twice on Donahue, CBS Morning News, CBS Nightwatch, Fox Morning News, CNN, and various local TV and radio news and talk shows around the country. In addition, because the Associated Press is following our story, hundreds of newspaper articles have been written on same-sex **marriage**.

People of color gained momentum for the civil rights movement when television brought their plight into American homes. Similarly, our movement stands to gain momentum from the coverage given to us by the mainstream media. Furthermore, because **marriage** is a common element of society to which all people can relate, **gay marriage** has the potential to build a broader coalition for the **gay** and lesbian civil rights movement.

Indeed the response of straight America has been overwhelming. I believe that we are seeing a tremendous shift in the public's perception of lesbian and **gay** people. We have even made inroads into Hollywood--sitcoms such as Golden Girls have run strongly supportive shows on the issue of same-sex **marriage**. Who knows, as the Golden Girls go, so goes America!

Getting out of the way

Yet, in the face of this tremendous showing of support, a few have chosen to publicly criticize us. We have been castigated by the religious right as well as by some **gay** legal beagles--strange bedfellows indeed.

Criticism leveled against us by our "brethren" in the legal profession goes something like this: whether we win or lose, we did the wrong thing by filing this suit. If we lose, they say we will set bad precedent. This is patently absurd; how much worse can it get? There is no state in the country where same-sex couples can get married. On the other hand, these self-appointed **gay** legal czars warn us from their armchairs that, if we win, the homophobes in Congress will descend on the entire **gay** movement and do away with the 15-year-old D.C. Human Rights Act (as if they had not already had the chance in the past 15 years).

My main response to these criticisms and their ilk is simple: the homophobes would just love it if **gay** people were cowed "into their place" by fear of what a few bigots in Congress may or may not do. Rather than be a modern day Uncle Tom, I have always thought that **gay** men and lesbians should

stand up and fight for their rights. And when we get to the point where Congress must decide whether or not to intervene, then we will have already achieved a huge legal and perceptual victory.

Let us set the record "straight." If a same-sex **marriage** case is winnable anywhere, it is winnable in Washington, D.C. We went to court for our first hearing on July 12, 1991. We are still in litigation, as the judge has requested supplemental briefs to be submitted by October 1, 1991. Contrary to some of the misinformation going around, our case is not in federal court, it is in the local D.C. court system, which is probably the most **gay**-positive jurisdiction in the country. Unlike prior same-sex **marriage** cases brought 20 years ago, our case is the first one to arise in a jurisdiction that explicitly prohibits discrimination against **gay** and lesbian people in all aspects of life. The D.C. courts have interpreted the Human Rights Act in ways that strengthen and broaden it. In a recent case involving Georgetown University, **gay** and lesbian students won university recognition of their group, which Georgetown initially had denied. In that case, the D.C. court of appeals held that the "eradication of sexual orientation discrimination is a compelling governmental interest." The court elevated anti-**gay** discrimination to the same level as racism and sexism, holding all three types of discrimination to be equally repugnant to society. Also, similar to us, the court concluded that students could not be denied tangential benefits based upon their sexual orientation no matter how repugnant it was to the university, a Catholic institution.

Furthermore, the D.C. **marriage** code contains no prohibitions to same-sex **marriages**. The only **marriages** that are prohibited by D.C. law are those that would be incestuous or polygamous. The D.C. code is gender neutral. Nowhere does district law state that a married couple must be a man and a woman, or may not be of onesex.

Because our suit is founded on favorable case law, D.C. statutes and policy, the nation's capitol may actually be the best jurisdiction to which to bring a case of this type. The precedent that we set can be used to pave the way for same-sex **marriage** in other states. No matter what Congress does, they do not have the power to change D.C. court decisions. They may oversee only the D.C. legislature. As well, **marriage** is an area whose regulation is reserved for the states. There is no federal **marriage** law, each state has the power to determine who is married within that state.

As for whether **gays** and lesbians should seek **marriage** at all, some critics say that **homosexuals** should not mimic heterosexual lifestyles. This argument is dangerous because it tends to buy into homophobic fears that **gay** men and lesbians should not be married lest it make a farce of the marital institution. The issue is not whether all **gay** men and lesbians should get married; it is the ability of **gay** and lesbian people to determine their own family structures, and whether they should have the access to the same choices heterosexuals make. It is like the issue of **gay** people serving in the

military. Whether **gay** men or lesbians should serve the U.S. military-industrial complex is considered a legitimate point of debate. However, no one in the **gay** community seriously argues that they should be denied the option of joining. It is the option, the choice, that counts. **Marriage** has traditionally been an attractive option for people, as it provides stability and societal respectability. Same-sex **marriage** would most likely increase desegregation, tolerance and acceptance of the **gay** and lesbian community.

We demand full and immediate equality now. Anything less is unacceptable. If you agree with us, help take the lead or try to follow. If you disagree, please do not stand in the way. Some have said that **gay marriage** is merely a short cut to equal rights. For us, the real short cut is to give into homophobia and give up without a fight.

The Equal **Marriage** Rights Fund (EMRF) is a non-profit corporation that is funding Craig and Patrick's legal battle. EMRF is also a national clearinghouse of **gay** and lesbian **marriage**-rights information. If you would like to financially support the group's effort toward equality of choice for same-sex couples, or if you wish more information, please write to: Equal **Marriage** Rights Fund, P.O. Box 18707, 2001 M Street, N.W., Washington, D.C. 20036.

Copyright Northeastern University Aug 31, 1991

Word count: **2153**

## **Indexing (details)**

[Cite](#)

[Close](#) **Subject**

[Personal relationships;](#)  
[Sexual orientation discrimination;](#)  
[Courts;](#)  
[Local government;](#)  
[Discrimination;](#)  
[Policy making;](#)  
[Interpersonal communication;](#)  
[Human relations;](#)  
[Marriage;](#)  
[Government;](#)  
[Public administration;](#)  
[Gays & lesbians;](#)  
[Law](#)

**Title**

[Demanding gay marriage; One gay man's account of the struggle to have his union recognized](#)

**Author**

[Dean, Craig R](#)

**Publication title**

[GCN : Gay Community News](#)

**Volume**

19

**Issue**

7

**Pages**

7

**Number of pages**

0

**Publication year**

1991

**Publication date**

Aug 31, 1991

**Year**

1991

**Publisher**

Boston

**Publisher**

Northeastern University

**Place of publication**

Boston

**Country of publication**

United States

**Journal subject**

[Homosexuality](#)

**ISSN**

01470728

**Source type**

Magazines

**Language of publication**

English

**Document type**

News

**Subfile**

Courts, Discrimination, **Gays & lesbians**, Government, Human relations, Interpersonal communication, Law, Local government, **Marriage**, Personal relationships, Policy making, Public administration, Sexual orientation discrimination

**Accession number**

SFLNSIGCN0603GCTP952000004

**ProQuest document ID**

199324782

**Document URL**

<http://search.proquest.com/docview/199324782?accountid=15185>

**Copyright**

Copyright Northeastern University Aug 31, 1991

**Last updated**

2010-06-06

**Database**

ProQuest Research Library

**Tags**

- [this link will open in a new window](#) [About tags](#) | [Go to My Tags](#)  
Be the first to add a shared tag to this document.

### Add tags

[Sign in](#) to My Research to add tags.

- [this link will open in a new window](#) [Add](#)  
[OK](#) [OK](#) [Close](#) [OK](#) [Fix tag](#)