
Posted on Sun, Jan. 26, 2003

Bill gives same-sex couples legal rights

Critics call measure too close to gay marriage and predict Davis won't sign it

By Michael Bazeley
SAN JOSE MERCURY NEWS

SAN JOSE - A caucus of gay and lesbian lawmakers will introduce a far-reaching bill in the Legislature this week that would give domestic partners essentially all the legal rights and responsibilities of married couples.

The bill, part of a broader package of gay rights bills to be unveiled, would bestow new rights on California's nearly 18,000 domestic partners in dozens of areas: everything from community property and child support to filing joint state tax returns.

If signed into law by Gov. Gray Davis, it would vault California into a national leadership position on the issue of gay rights.

"This law would be truly historic for the nation," said Geoff Kors, executive director of California Alliance for Pride and Equality, a lobbying group for lesbians, gays, bisexuals and transgenders. "If California passes this, it sends a message to the rest of the nation."

Details of the legislation, authored by Democratic Assemblywoman Jackie Goldberg of Los Angeles, are still being hammered out. But supporters said the bill would put California on par with Vermont, which created a system of "civil unions" for gay couples three years ago. Though it stopped short of legalizing gay marriage, the Vermont law created a broad network of state benefits for gay couples, from inheritance rights to state taxes.

"There's virtually no area of civic life that wouldn't be impacted," said Kate Kendell, executive director of the National Center for Lesbian Rights.

Whether the bill will have enough political support -- particularly from moderate Democrats -- to make it to the governor's desk is an open question.

The electorate is openly hostile to the idea of gay marriages, as evidenced by the strong support three years ago for Proposition 22. That ballot measure reinforced that marriage in California is only between a man and a woman.

What is more, another sweeping domestic partners bill died in the Assembly last year. That bill, by Democratic Assemblyman Paul Koretz of West Hollywood, would have permitted same-sex couples to formalize their relationships by entering into "civil unions" and give them the same legal rights as married couples.

Also, of the few domestic partner bills that have passed the Legislature, all have carried slim majorities.

But backers of the new bill believe they have more arrows in their quiver this year.

Davis, after all, created the state domestic partner registry in 1999. The Democratic governor also signed a bill last fall that allows domestic partners to sue for wrongful death and make medical decisions for incapacitated partners. And the new bill makes no mention of the controversial and sometimes confusing phrase "civil unions."

"We have stepped back and reconsidered," said Assemblyman Mark Leno, D-San Francisco. "We think we will have greater success with the concept of domestic partners, as opposed to the idea of civil unions."

Although Californians did not support gay marriages three years ago, Kors said that polls show strong support for giving domestic partners marriagelike rights.

"Polling shows people moving closer to same-sex marriages and supporting giving rights and responsibilities to same-sex couples," he said.

Some lawmakers and aides said they see the bill as a test of the Legislature's support for domestic partner issues, and that support from centrist Democrats is far from assured.

Randy Thomasson, executive director of the Sacramento-based Campaign for California Families, said gay rights supporters are naive if they are banking on broad support.

"I wish they'd be honest and call it gay marriage," said Thomasson, who directed the 2000 campaign against gay marriages. "If marital rights go to nonmarried couples, then you've really thrown mud in the face of marriage as an institution. If Gray Davis wants to go for president or vice president, he won't go for this."

Advisers to Davis said that, without seeing the actual bill, it is impossible to gauge the governor's support.

Davis has supported domestic partnerships "since before he was governor," said special assistant Eric Bauman. But "we would probably caution the Legislature that they move methodically so we don't get out in front of the public on this issue."

Lawmakers will no doubt feel heat from conservative groups that oppose all gay-rights legislation, such as the Traditional Values Coalition and the Committee on Moral Concerns.

"Homosexuality is a gender-identity disorder, and it's a gender-identity confusion, and you should not reward those behaviors with special rights," said the Rev. Lou Sheldon, of the Traditional Values Coalition.

The five-member Lesbian, Gay, Bisexual and Transgender caucus will also introduce several other bills, including one that requires companies that do business with the state to offer equivalent benefits to domestic partners and married couples. Another bill would prohibit housing and employment discrimination against transgender individuals who have surgically changed their gender.