

National Report

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Gay and Lesbian Couples Head for Vermont to Make It Legal, but How Legal Is It?

By CAREY GOLDBERG

WOODSTOCK, Vt., July 20 — This week, Jennifer Kacak and Jill Poste drove more than five hours from their home in Suffern, N.Y., to this maple-sweet Vermont town to get as close as they could to marrying.

They paid \$20 for a civil union certificate from the town clerk, then exchanged vows and rings — rings they had first traded long ago — by a waterfall before a justice of the peace. They did not bring family or friends; they are celebrating at home this weekend. And they knew full well that Vermont's civil union law allowing gay and lesbian couples to wed in all but name probably stops working at the border.

But after seven years together, "It was just the next step for us to take," Ms. Kacak, 27, said.

Since Vermont became the first state to offer gay and lesbian couples marriage-like civil unions on July 1, this has been perhaps the most striking initial effect of the law: Most of the couples taking advantage of it are from out of state, and many of them are whizzing in and out of Vermont for a certificate of highly questionable legal value back home.

Some town clerks report that two-thirds or more of the certificates they issue are to out-of-staters. And the laconic New England explanation some give is that the couples seem to be coming because, well, they can.

Here in Woodstock, where the notice on procedures for civil unions is posted on a town hall bulletin board near announcements about dog licenses and auditions for "You're a Good Man, Charlie Brown," the assistant town clerk, Raymond Jillson, said all four civil union certificates

the town has issued have gone to non-Vermonters.

In Brattleboro, of the first 68 people who handed in their certified civil union licenses, only three were town residents, and some couples came from as far as London, California and Georgia. In Burlington, 41 civil union licenses have been issued — as many as the number of heterosexual marriage licenses issued in June, the town vital records clerk said — and 26 of those 41 went to out-of-staters.

"The majority of them do just the quickie ceremony," said Melissa Murphy, the assistant town clerk,

Flocking from far and near to get almost married.

adding that she did not mean to cheapen the ceremony by calling it a quickie. "Most people are just here because they want that piece of paper, and I think they're hoping when they do go home to their home state, they can say, 'Look what Vermont did for us, now how come you can't do this?'"

Some plan to say even more than that. Deb Price, a columnist for The Detroit News who wrote an article about getting the civil union license with her partner of 15 years, Joyce Murdoch, said she planned to send copies of their certificate to their state and federal representatives, asking them to emulate Vermont.

But beyond that, Ms. Price said, she and Ms. Murdoch plan to carry a

small copy of the certificate in their wallets as proof of relationship; so that if, for example, one of them has a medical emergency, it will be easier for a doctor to understand instantly that the other is effectively a spouse and should participate accordingly in decision making.

Some out-of-staters getting civilly united plan not only to speak out in their home state but to act. In court.

Six couples from the Rochester chapter of the Dignity-Integrity Church, a gay and lesbian Roman Catholic and Episcopal worship organization, plan to get certificates in Vermont this weekend, said Jennifer L. Gravitz, a lawyer and participant. Then, she said, she planned to try to get her Vermont union recognized in New York, though she did not know what form that legal battle would take and was seeking advice from gay and lesbian groups.

"Both of us had previously been married to men," Ms. Gravitz said, and as a lawyer, "I especially knew the profound rights and privileges and responsibilities that came with that. For me personally, I just want that same status."

Legal experts say they expect a state-by-state battle over whether Vermont civil union certificates, which confer marital-style benefits from tax breaks to insurance coverage to inheritance rights, must be recognized in other states. They predict the issue will end up being decided by the Supreme Court.

Opponents of civil unions had warned of just such legal battles.

"We said from the beginning that it wasn't proper for Vermont to be introducing lawsuits into other states by allowing residents of other states to come and get civil union certifi-



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Hal Parker, left, and Mark Emmons were among the first gay couples to take advantage of Vermont's civil union law, which took effect July 1.

cates," said Craig Bensen, vice president of Take It to the People, a group that opposes gay marriage. "If Vermont wants to do its own thing, contain it within the state. If Vermont wants to set national policy, that's another question."

So far, state officials who gather

private records report that 75 out-of-state and 17 in-state civil unions have been recorded, but all records for July do not have to be mailed to the state until Aug. 10, so the numbers are sure to be higher. A Burlington Free Press survey of 50 town clerks counted 132 civil union licenses sold

in the first week, with 60 percent going to out-of-staters.

Some speculate that many Vermont couples are in less of a rush to get all-but-married, while out-of-state couples either are more worried the law will be repealed, or are taking advantage of vacation time to travel, or are simply eager after waiting so many years.

While the civil unions may have legal and political significance, they are, first and foremost, deeply personal ceremonies, participants say. Justices of the peace who have presided over several say they tend to be more private, with fewer guests, than typical heterosexual weddings, and at times even more tear-jerking.

Brendan Hadash, a minister at the Unitarian Universalist Church in St. Johnsbury who was himself civilly united recently with his partner of 17 years, had performed plenty of gay commitment ceremonies in the past, he said, and "it's the same thing. The only thing different is I have a little piece of paper to fill out now and it's a lot more emotional."

Meanwhile, just as civil union advocates had wanted to show, the sky here has not fallen. But small changes are apparent. There has been a bit of a boost to the Vermont wedding industry, which is already strong because the state combines verdant beauty with a lack of requirements for blood tests or other delays.

And consider this July 2000 moment bespeaking change: In the Woodstock town hall today, Mr. Jillson could be overheard fielding a telephone inquiry about local justices of the peace, and one of his first questions to the caller was, "Is this a civil marriage or man and wife?"