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**Gay/Lesbian - Federal Employee
Domestic Partner Act [2]**

Gay/Lesbian —
Fed Employee Dem.
Partner Act

Richard Socarides 07/09/97 09:00:06 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: LA Times: A New Era Set to Begin in Benefits for Gay Couples

This is remarkable

----- Forwarded by Richard Socarides/WHO/EOP on 07/09/97 09:00 AM -----



Doug Case @ sdsu.edu
07/08/97 12:33:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: LA Times: A New Era Set to Begin in Benefits for Gay Couples

Los Angeles Times

Monday July 7, 1997

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A New Era Set to Begin in Benefits for Gay Couples

By BETTINA BOXALL
TIMES STAFF WRITER

Starting Tuesday, \$8 and a visit to a notary will bring same-sex couples in Hawaii a degree of legitimacy unprecedented in this country.

With a state certificate declaring them "reciprocal beneficiaries," they will qualify for dozens of legal rights and benefits typically reserved for the married, ranging from the ability to sign up for family medical insurance to filing a domestic violence complaint.

Approved by the Hawaii Legislature earlier this year, the beneficiaries law is the most dramatic and far-reaching example of a steadily building national trend.

While same-sex marriage remains a highly controversial possibility, domestic partner benefits of one sort or another are becoming an everyday reality for more and more gay couples.

A recent survey by the accounting firm KPMG Peat Marwick indicates that nearly a quarter of employers nationwide with more than 5,000 workers provide health benefits to nontraditional partners, often straight as well as gay.

In a landmark move that took effect last month, the city of San Francisco is requiring its contractors to offer domestic partner coverage to their employees.

Measures related to domestic partner issues have been introduced in more than a half-dozen state legislatures, including California's, where the Assembly last month approved a bill dealing with the availability of health insurance.

Ironically, the furor over same-sex marriage has boosted the effort to gain formal recognition for gay couples outside of marriage--both by highlighting their lack of legal rights and by casting domestic partnership in a comparatively less radical light.

"In effect, the controversy over marriage aids and pushes the domestic partner movement as well," said Richard Jennings, executive director of Hollywood Supports, an advocacy group that lobbies for such policies. "Domestic partnership is starting to look like the conservative alternative."

Not to social conservatives, who find domestic partnership rights as distasteful as same-sex marriage. They have filed lawsuits to block domestic partner policies in the public sector. They have fired off angry letters to private corporations and, in the recent case of the Southern Baptist Convention protesting the Walt Disney Co.'s insurance benefits for same-sex partners and other "gay friendly" policies, launched a boycott.

Give nontraditional couples rights and benefits, conservatives argue, and you erode the importance of marriage as an institution.

"This is a probing attack on traditional cultural assumptions that marriage is unique in our society," said Benjamin W. Bull, senior counsel for the American Center for Law and Justice, which represents a firm suing to overturn the San Francisco ordinance. "The whole domestic partner issue is the battleground on which the war of cultural values is going to be fought in the next decade."

In the realm of public opinion, domestic partnership is not nearly as contentious as same-sex marriage.

A recent Field poll, for instance, showed that while more than half the California public disapproves of same-sex marriages, a larger majority, 67%, favor granting domestic partners legal rights such as hospital visitation, medical power of attorney and conservatorship.

By a 59% to 35% margin, Californians also approve of giving domestic partners family leave, pension and health insurance coverage and death benefits.

"The public is still not ready to accept same-sex marriage," said Mervin Field, the poll's associate director. "But they're ready to give family rights to domestic partners. [The public feels] the idea of two gays living together and committing themselves to each other and devoting years to that is something that should be recognized and favored."

In Hawaii, it was the threat of same-sex marriage that prodded the Legislature into adopting the most comprehensive package of rights and

benefits ever accorded nontraditional couples in the United States.

*

By crafting the reciprocal beneficiaries law, marriage opponents won support for another bill, passed at the same time, intended to short-circuit a state court case, now on appeal, that could legalize same-sex marriage in Hawaii within the next two years.

The companion bill places on the November 1998 state ballot a constitutional amendment that would give the Legislature the power to restrict marriage to opposite-sex couples.

The beneficiaries law "is a reaction to the same-sex marriage case," said Hawaii attorney Dan Foley, who represents three gay couples suing the state for marriage rights. "We don't accept this act as a substitute to marriage. It's still separate and unequal. But we think it's a positive step."

The legislation, which takes effect Tuesday, confers about 60 benefits and privileges involving inheritance, insurance coverage, joint property and victims' rights.

Once registered with the state, couples will be able to jointly apply for disaster relief loans and auto insurance. The partner of a state employee will be eligible for survivor retirement benefits.

If one partner dies in an auto accident, the survivor will be able to sue for wrongful death. If one assaults the other, the victim can file a domestic violence complaint. And if one partner becomes mentally incompetent, the other will be able to sign commitment papers.

Private employers that offer family health coverage to married workers must also offer the same to reciprocal beneficiaries, who can be any two adults legally barred from marrying and who are otherwise not married. They simply have to fill out a notarized declaration and pay an \$8 fee to obtain a state certificate.

A widow and her son, or for that matter two heterosexuals of the same gender, could register under the program--a fact that has prompted Hawaii's governor to suggest that the law's eligibility may need to be narrowed.

Elsewhere, domestic partner policies are not nearly so encompassing. Private and public employers typically provide health insurance coverage and family and bereavement leave. Survivor retirement benefits are sometimes included. Some companies restrict the benefits to family and bereavement leave.

Business analysts say initial concerns about the cost of adding domestic partner coverage have largely fallen by the wayside, as participation rates have been lower than expected.

If the coverage is available to same-sex couples only, less than 1% of a company work force usually enrolls, increasing medical costs slightly. If enrollment is open to unmarried heterosexual couples as well, up to 3% of the work force may sign up, raising medical costs about 1.5%, said Ilse de Veer of William Mercer Inc., an international benefits consulting firm.

In Los Angeles, where health coverage was extended to the unmarried partners of both straight and gay employees in 1993, only 450 of the city's 34,000 workers have signed up, benefits manager Henry Hurd said. Of those, 80% are heterosexual.

Businesses attribute the low enrollment rates to several factors: Both partners in unmarried couples usually work and thus often have their own individual insurance. The federal government taxes workers on the value of the benefits. And for gay employees, there are concerns that if they sign up, they are effectively outing themselves.

Still, de Veer said domestic partner benefits "help recruit people who might not need the benefits because of the message it sends."

The impetus to expand corporate benefits often comes from within, from gay employee groups that have grown in number and visibility in recent years. But companies also cite a competitive factor, saying the policies can help recruit and retain workers, a particular concern in today's tight labor market.

Although the Southern Baptist boycott of Disney was in part sparked by the entertainment giant's 1995 adoption of benefits for same-sex partners, such high-profile protests are the exception.

"It's typically something that raises discussion for a short time and then it dies out," said Dorothy Weaver of Hewitt Associates, a benefits and compensation consulting firm that estimates about 500 private and public employers nationwide offer such coverage. Neither Weaver nor de Veer were aware of any company that has dropped domestic partner benefits after adopting them.

When Coors Brewing Co. in Golden, Colo., extended health benefits to same-sex couples two years ago, communications manager Joe Fuentes said, there was a brief, minor flap internally and externally "that just went away."

"We had a few letters from people saying, 'We can't believe you're doing this,' " recalled Fuentes. "Our position has always been that it's not a moral statement. It's an employee benefit, and we've always maintained a leadership role in employee benefits."

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In the two months since the Chevron Corp. announced it would become the first major oil company to offer domestic partner benefits, spokeswoman Alison Jones said, the company has "gotten lots of reaction, both positive and negative."

Based in San Francisco, Chevron was nudged by the city's contractor ordinance, Jones said, but had been "tracking domestic partner benefits for several years with the thought that some day we would do this."

Most prevalent in government, academia and such industries as high-tech and entertainment, the benefits are spreading into other quarters.

Among those that have or are adopting the policies are American Express, Apple Computer, Bank of America, Southern California Gas Co., IBM, the Los Angeles Unified School District and the state of New York.

The policies are more controversial in the public sector, where lawsuits have been filed against various cities challenging their authority to grant the benefits.

Minneapolis was forced to drop them two years ago after a state appeals court ruled that Minnesota law did not recognize same-sex partners as spouses. Similar suits are pending in Chicago, Atlanta and Denver. Voters in Austin, Texas, repealed a domestic partner ordinance several years ago.

Two lawsuits have been filed against San Francisco's ordinance, one by Bull's organization and one by airlines that use the San Francisco airport. They argue the city has no right to issue mandates to the airline industry, which is regulated by the federal government.

Although the challenges revolve around dry legal issues, they usually spring from a deep philosophical opposition to formal recognition of couples outside of heterosexual marriage.

"What [gay -rights advocates] really want is whatever an individual chooses as a partnership. . . . The government and society has to recognize it and protect it legally," said Virginia attorney Jordan Lorence, who is involved in the Chicago suit. "That to me is a recipe for chaos."

A conservative Christian group in Arizona, the Alliance Defense Fund, is funding his work and supporting several of the other city challenges, Lorence said.

On the state legislative front, there has been an increase in pro-domestic partnership proposals, but not a rush to enact them. Of four such bills introduced in California this session, only one has moved forward.

The Assembly-approved measure would require health insurance companies to offer employers the option of providing domestic partner coverage to their workers. But most major insurance carriers in the state already do that.

Among the stalled bills is a statewide registry proposal, similar to legislation vetoed by Gov. Pete Wilson in 1994, that would grant domestic partners limited rights such as hospital visitation and conservatorship.

Gay rights proponent Assemblywoman Sheila Kuehl (D-Santa Monica) is nonetheless optimistic.

"The notion of domestic partnership seems more and more familiar and, frankly, more acceptable as local governments and corporations adopt it. I predict in the next couple of years we will see state legislatures going this way."

"I don't see it plateauing," she said of the domestic partnership movement, "unless gay marriage is made legal."

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Gay/Lesbian -
Federal Employee
Partner Benefits

Richard Socarides 07/07/97 09:37:30 AM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Richard Socarides/WHO/EOP
Subject: more on partner benefits

WASHINGTON POST, July 6, 1997

More Companies Reaching Out With Gay-Friendly Policies

Domestic Partner Benefits Gain Momentum in Tight Labor Market, Despite Risk of Offending Conservative Customers

By Steven Ginsberg

Two years ago, a group of Discovery Channel employees approached management and asked the company to extend medical benefits to domestic partners of gay and lesbian workers.

The Discovery Channel considered the request and responded with what its managers say was a business decision.

"In 1995, we began offering coverage for same-sex domestic partners," said Peter Likouris, human resources coordinator at Discovery. "We did some research and found that it wasn't going to raise [insurance] rates. We also did comparisons and saw that other companies in the industry were going this way. Part of our decision was to stay competitive, and part was to meet the needs of our employees."

The nature of today's tight labor market, with highly skilled workers at a premium, dictates that employers consider workers based on the skills they possess rather than the partners they prefer. Despite the risk of offending conservative and religious groups, such as the Southern Baptist Convention, which is boycotting Walt Disney Co., an increasing number of companies have come to the same conclusion as the Discovery Channel: Domestic partner benefits are a necessary tool to help attract and retain employees.

"We try to respond to employees' changes in lifestyle," said Likouris, who estimates that about 12 of Discovery's 850 employees have signed up for the benefits. "We've also seen that it increases morale, which in turn raises productivity. And when recruiters contact me they are aware of the policy because some of the candidates are interested in it."

KPMG Peat Marwick last month released a survey of 1,502 companies with 200 or more employees; it found that 13 percent of respondents provide health benefits to nontraditional partners. Among companies with more than 5,000 employees, the number jumps to one in four businesses.

The survey also found that the "costs of coverage for firms offering and not offering traditional coverage were equivalent, as were rates of increase in premiums." Employers in the high-technology, retail and government sectors were the most likely to offer benefits to domestic partners.

"Domestic partner benefits are a smart business decision," said Mark Johnson, media director for the National Gay and Lesbian Task Force (NGLTF). "Companies and city governments realize that it's a good way to attract and retain employees."

Most companies offering domestic partner benefits treat same-sex couples exactly as they do married couples; packages carry the same benefits, including health care, bereavement leave, and family and medical leave.

Determining who is a domestic partner can be tricky. A handful of jurisdictions have domestic partner registries, but without a uniform national law, each company is left to set its own criteria. Typically, employers require employees to sign a form declaring that they live with and share financial responsibility for partners. Locally, the District and Takoma Park have domestic partner registries, but Congress has not funded the District's, so it exists in name only.

Even though some companies offer these benefits, that doesn't mean employees are using them. The NGLTF estimates that gays and lesbians make up 2 percent to 10 percent of the work force, yet few sign up for domestic partner benefits.

"The number of people actually using these benefits is kind of discouraging," said Johnson, who added that it is nearly impossible to track the trend. "It relates to a fear that they'll be found out." Another reason for the low participation may be that many employees' same-sex partners also are professionals with their own benefit plans, Johnson said.

Even though employers that offer same-sex benefits believe gay-friendly policies make financial sense, doing so can be problematic, particularly for high-profile companies such as Disney. In the wake of the Southern Baptist boycott, the giant entertainment company has absorbed a number of public relations hits, and critics have questioned whether the boycott is affecting company policy. Just days after the boycott was launched, Disney recalled an estimated 100,000 copies of an obscenity-laced album by a hip-hop group called Insane Clown Posse. Disney said the recall had nothing to do with the boycott.

American Airlines, another gay benefits pioneer, also is coming under pressure from conservative groups, such as the Family Research Council and the American Family Association. American was the first airline to adopt a nondiscrimination employment policy that covers sexual orientation, a policy that is law in only 11 states and the District. Virginia and Maryland do not have such laws.

"We don't have a boycott" of American, said Bill Merrell, vice president for convention relations for the executive committee of the Southern Baptists. "But I know of large numbers of Christians that select around certain long-distance carriers, airlines and computer companies. If any group says we're not going to do business based on certain principles, it has to affect the revenue flow."

Still, local and national employers, such as the law firm Covington and Burling, say they are undeterred.

"We've had absolutely no controversy," said Jean Waxman, benefits coordinator at Covington and Burling, which offers domestic partner benefits to all couples, including heterosexuals. "We were told that there would be a rush of employees using it and our costs would be much higher, but neither of those things happened."

Waxman estimates that 18 of Covington and Burling's 865 U.S. employees have signed up for the plan since its inception in 1994. "It's been really easy to administer," Waxman said, "and we've had no problems whatsoever."

Gay Neobian -
Federal Employee Domestic
Partner Act

Richard Socarides 07/03/97 09:19:09 AM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: NC4126: Domestic partners insurance bill advances

----- Forwarded by Richard Socarides/WHO/EOP on 07/03/97 09:19 AM -----



rwockner @ netcom.com
07/03/97 04:11:00 AM

Record Type: Record

To: Richard Socarides
cc:
Subject: NC4126: Domestic partners insurance bill advances

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SACRAMENTO, July 2 (UPI) -- An Assembly bill that would require company health plans to offer domestic partner coverage has cleared the state Senate's Insurance Committee.

The bill was approved on a 5-2 vote. It provides that group benefits be the same as those offered for married workers, although private employers wouldn't be required to accept domestic partnership plans.

Assemblywoman Carole Migden, D-San Francisco, said the bill is less stringent than other domestic partnership measures vetoed in recent years by Gov. Pete Wilson, and that she is working with his office on it.

The bill would apply to same- and mixed-sex couples, including senior citizens who care for each other but aren't married. It would not cover blood relatives, however, since local governments that offer domestic partnerships don't include them in domestic partnership registries.

Opponents told lawmakers today that the bill is mainly for homosexual couples since they comprise more than 90 percent of the state's domestic partnerships where they are offered.

They also said it's bad business to raise coverage costs of regular employees to cover adult friends.



Gay/Lesbian -
Fed employee Domestic
Partner Act

Richard Socarides 06/30/97 08:42:13 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Hawaii "reciprocal beneficiaries" law to take effect

For our domestic partners file. This is really an important development. I don't think people realize how significant this bill is.

----- Forwarded by Richard Socarides/WHO/EOP on 06/30/97 08:40 AM -----



Doug Case @ sdsu.edu
06/27/97 08:18:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: Hawaii "reciprocal beneficiaries" law to take effect

WASHINGTON BLADE

June 27, 1997

<http://www.washblade.com/>

Hawaii "reciprocal beneficiaries" law to take effect
New legislation gives many, but not all, marriage rights to registered same-sex couples

by Peter Freiberg

Statewide legislation that Gay activists say offers the most recognition and benefits to Gay couples in this country will take effect in Hawaii on July 8.

Gov. Benjamin Cayetano, a Democrat, decided to let the bill become law without his signature, despite previous statements that he would sign the measure as "tantamount to civil rights."

Cayetano's press secretary, Kathleen Racuya-Markrich, who told the Blade on June 20 that Cayetano would definitely sign the bill, said three days later that the governor was out of town for the week and that she didn't know why he decided not to sign it. The deadline for vetoing the bill was June 23.

The new state law sets up a new category of legally recognized relationships - "reciprocal beneficiaries" - for Gay and other non-heterosexual couples.

Under the statute, reciprocal beneficiaries are defined as two adults, over age 18, who are prohibited by law from marrying. An unmarried heterosexual couple would be ineligible, but a range of family members could apply along with same-sex couples. Applicants do not have to live together, but must simply sign and have notarized an application to be provided by the state health department, which will issue a Reciprocal Beneficiaries Relationship certificate for \$8 (compared to \$32 for a marriage certificate).

The certificate will look "similar to what a marriage certificate looks like," said health department communications director Patrick Johnston. He said out-of-state couples will be able to get certificates, too, but that only Hawaii residents will receive any benefits.

The new law includes a requirement that private employers who provide family health coverage for their married workers also offer such coverage to reciprocal beneficiaries and their dependents.]

The state and counties must also extend health insurance coverage to reciprocal beneficiaries and their dependents and pay part of the cost.

But despite health insurance and other benefits that the new law gives to "couples ... barred by law from marriage," activists in Hawaii and elsewhere who are seeking legalization of same-sex marriages have decidedly mixed feelings about the legislation.

Evan Wolfson, director of the Marriage Project of Lambda Legal Defense and Education Fund, said the Hawaii reciprocal beneficiaries law "is the broadest and most significant recognition extended to non-marital families, including Gay and Lesbian couples, ever on American soil."

But Wolfson said the beneficiaries legislation does "not come close to the unique, broad array of legal and economic, tangible and intangible, protections, benefits and responsibilities that come only with civil marriage."

Separate isn't equal

"It is still separate and unequal, and even if it were equal, separate is still unequal," said Wolfson.

Tracey Bennett, a lobbyist for Equal Marriage Hawaii, a group that supports the court case seeking legalization of Gay marriages in Hawaii, said bluntly, "We're all pissed."

The law is "not good enough," said Bennett. "If we didn't have the court case, we'd be dancing in the streets [over the new law], but we know we deserve more. We deserve to be equal."

Another Hawaii activist, Kate Sample, called the new law "a step in the right direction," but said, "It was definitely a compromise and, I feel, a sellout, but politically [the legislators] didn't see any other way."

Dan Foley, co-counsel with Wolfson in the lawsuit by three Hawaii Gay couples seeking marriage licenses, said that despite its flaws, the new law

"is a very significant step forward."

"The straight community, I think, will become more ... accepting of same-sex unions once they see this in operation," said Foley. "Real couples are going to have real rights."

The new law, which will allow couples to begin registering July 8, was approved by the legislature in April as part of a deal that seeks to derail an anticipated state supreme court ruling to require the state to issue marriage licenses to same-sex couples.

With Hawaii politicians under fierce pressure from the Roman Catholic and Mormon churches, along with the fundamentalist religious right, to restrict marriage to heterosexual couples, legislators passed a bill to put before the voters a constitutional amendment that would give the legislature the right to define marriage in a way that only heterosexual couples can obtain marriage licenses.

The Hawaii Supreme Court, which ruled in 1993 that the state has to show a compelling reason to deny marriage licenses to same-sex couples, is weighing a final decision. The aim of the constitutional amendment is to insure that even if the court rules that Gay couples are entitled to marriage licenses, the legislature will be able to overturn that decision.

In exchange for going along with the constitutional amendment, pro-Gay members of the Senate demanded that the legislature make available a package of benefits and responsibilities for same-sex domestic partners.

But in the end, the new category of "reciprocal beneficiaries created goes beyond Gay couples."

"It was pure politics," said State Sen. Scott Matsunaga (D), a strong supporter of equal rights for Gay people. "The Senate had wanted to limit ... benefits to same-sex couples, but the House, perhaps motivated by right-wing concerns, didn't want to give benefits only to Gay [couples]. They felt that would be giving special rights."

Foley said that even though, for example, a widow and her unmarried son might register, "the primary beneficiaries of [the new law] will be same-sex couples."

Foley said the new law was covertly supported by Roman Catholic, Mormon, and religious right lobbyists, who knew that without passage of the reciprocal beneficiaries law they could not win passage of the constitutional amendment proposal.]

"They couldn't say publicly they were doing this for Gay couples," said Foley, "even though in effect they were."

52 of 300 benefits

Matsunaga said he and other pro-Gay legislators had to recognize "political reality" and agree to present the constitutional amendment to the voters. In exchange, he said, they won "substantially similar" economic rights and]

benefits for non-traditional couples.

"While everyone else gets to go to the buffet line," said Matsunaga, "Gays will now be allowed to go to the salad bar. They're still not getting the full buffet, but at least they're getting a partial meal."

But activist Tracey Bennett said the benefits are greatly inferior to those available to married couples. Reciprocal beneficiaries, Bennett said, are given only about 52 state benefits - out of what she said are at least 300 benefits married couples receive. And, of course, Gay couples are barred from any federally related benefits.

Among the benefits that the Hawaii legislation says are "substantially equivalent" to those extended to married spouses are:

survivorship rights, among them inheritance, workers compensation, and state employees' retirement benefits; health-related benefits, among them hospital visitation and family and funeral leave; legal standing of beneficiaries relating to victims rights, domestic violence family status, and the ability to sue in instances of wrongful death; and, miscellaneous benefits, such as use of state university facilities use couples and use of government vehicles in family emergencies.

But there is also a long list of benefits denied to reciprocal beneficiaries - not only federally related rights accorded married couples, but also rights linked to traditional marriage.

"What you're not getting," said Matsunaga, who co-chairs the Senate Judiciary Committee, "are things that are related to federal status because of the [1996 federal] Defense of Marriage Act [which bars federal recognition of same-sex couples]. We couldn't give those."

"We're also not giving," said Matsunaga, "the rights that are so intricately tied to marriage, such as divorce, alimony and palimony, and child custody. ... What you are getting, the cornerstone of the rights and benefits, are health insurance benefits."

Matsunaga said it was a struggle for the Senate to win the rights it did get for beneficiaries from the House, which is more conservative and strongly against equal marriage rights for Gays. "The House just wanted to give a couple of radishes," he said.

Some of the benefits that remain unavailable to Gay couples are relatively minor, but many aren't.

The state, which automatically gives a hunting license to the spouse of a military servicemember, will not do so for reciprocal beneficiaries. A deduction for filing joint state income tax returns, which was originally proposed by the Senate, was eventually deleted. A reciprocal beneficiary who leaves the family will not be required to pay child support, even if he or she was the main provider.

Governor's about-face

Cayetano's decision not to sign the bill came as a surprise. Earlier this month, one group, the Hawaii Business Health Council, which includes some of the state's largest businesses, expressed concern about the cost to private employers and the state and urged the governor to veto it. Cayetano then commented, according to the Honolulu Star-Bulletin:

"I look at it more from a point of view of according certain rights to people of a certain sexual orientation. You can't put a cost ... on something that is tantamount to civil rights." Cayetano called the bill "a historic step forward."

Attorney Foley said Cayetano had repeatedly backed giving benefits to domestic partners; on June 15, the governor stated on a radio program that he would sign the bill. His press secretary, however, said there may be "technical flaws" in the legislation that led him not to sign it. Sue Reardon, director of Marriage Project Hawaii, said she wanted to hear Cayetano's reasons for not signing before offering any comment.

Under a timetable dictated by the Hawaii Constitution, Cayetano's decision to let the bill become law without his signature postponed the date it takes effect by one week, to July 8, according to the Health Department's Johnston.

Wolfson of Lambda Legal said that while some Gay activists have criticized the marriage effort for allegedly diverting energy from other goals, the new Hawaii statute "is yet again strong evidence that that's not true."

"Fighting for the freedom to marry," said Wolfson, "compels even our most bitter enemies to move in our direction to offer recognition and concrete benefits to our families."

Foley believes the reciprocal beneficiaries law may help create a "comfort zone" in which citizens of Hawaii will get used to same-sex couples having civil rights - and might be more inclined to vote against the constitutional amendment.

There is no possibility other states will completely imitate Hawaii's beneficiaries law, even pro-Gay ones like those in New England. The reason is that all other states are prohibited by federal statute from requiring private employers to offer health and pension benefits. Years ago, Hawaii obtained an exemption from that law.



"That helps explain why we were able to go farther in Hawaii," said Wolfson, "but it also underscores ... why it is so critically important to redouble efforts to win the freedom to marry."

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Gay/Lesbian -
Federal Employee Domestic
Partner Act

TO ELIANA KAGAN - APJ

RUSSIAN S.

CHICAGO TRIBUNE, June 29, 1997

(E-MAIL: tribletter@aol.com)(http://www.chicago.tribune.com)

By Terry Wilson.

Terry Wilson is a Tribune staff writer who specializes in gay and lesbian issues.

FAMILY VALUES

DESPITE THE DISNEY BROUHAHA, DOMESTIC PARTNERSHIP BENEFITS ARE WIDELY AVAILABLE FOR SAME-SEX COUPLES. SO WHY ARE VERY FEW TAKING ADVANTAGE OF THEM?

Levi Strauss & Co. does it. Sony does it. And at last count, 448 other major corporations in the U.S. do too. They offer domestic partnership health and dental benefits to gay employees who share residences and living expenses with partners.

The companies say they are better able to fairly distribute benefits among staff members, gain or maintain a competitive advantage when recruiting new talent, and present a progressive image at an insignificant cost.

"More and more employers are going to be looking at this issue in the future," predicted Mark Stadler, head of the Chicago office of William M. Mercer, a human resources consulting firm. "No matter one's personal opinion, it is important to realize that even though a company may extend these benefits, fewer than 2 percent of eligible employees actually will enroll for the coverage."

Indeed, many companies have found their costs have increased by less than 1 percent. They cite these reasons:

- Such benefits are taxable as income by the Internal Revenue Service, which does not recognize gay relationships as it does heterosexual marriages.
- To qualify at most companies, gay employees and their partners have to be living together and sharing expenses, factors that eliminate many couples.
- Often, both partners work and have individual insurance coverage through their employers, Stadler said. Therefore they may not need domestic partnership benefits.
- Some employees who are gay and in relationships want to keep their sexual orientations secret, Stadler said. They do not seek the benefits.

Nevertheless, although increasingly common, the practice remained in the background until the Walt Disney Co., traditionally a leader in family entertainment, offered domestic partner benefits to its staff last year.

As soon as it did, delegates to the annual meeting of the nation's Southern Baptists—a denomination 15-million strong—threatened a boycott of the entertainment giant for "the promotion of homosexuality."

Delegates did not merely express objections to the company's benefits policy. They did not like gay theme nights at Disney parks, and felt a number of movies under the company's aegis promoted homosexual values.

This year, Disney seemed to add fat to the fire. The company owns ABC-TV, which airs the hit comedy series, "Ellen," whose lesbian star came out recently with unprecedented fanfare. The Southern Baptists followed through on their threat and instructed church members to boycott Disney.

If the ban is to be taken seriously, it would mean that believers must give up Disney's popular theme parks and other properties—ABC-TV, ESPN and many popular movies and animated videos—all because, according to industry studies, fewer than 2 percent of Disney's gay employees would apply for the same benefits as their married counterparts.

On the other hand, if the boycott proves effective, Disney executives certainly would wonder why they were being penalized for offering benefits that even such historically conservative companies such as IBM have decided are worthwhile.

"I hope the people who hate what the benefits policy represents are going

to be consistent," says Geoffrey Kors, a San Francisco attorney who drafted an ordinance that requires all businesses that receive city contracts to offer domestic partnership benefits. "They should stop shopping at the Gap, stop buying Levis, stop using Apple computers or Intel hardware and Microsoft software. They should stop buying Chevron gas."

They probably should think twice about visiting San Francisco as well.

Across the nation, 217 private businesses (among them, media and entertainment organizations, law firms, technology and software makers and marketers), 115 academic institutions, 59 city and state governments, 20 labor unions and 29 non-profit organizations are offering domestic partner benefits.

The City of Chicago began offering the benefits to its 41,000-plus employees on May 16. So far, eight have been certified as domestic partners and 60 have requested the application packets, an official reported.

Liz Winfeld, who runs the Common Ground education consulting firm in Boston, said the idea of letting gay couples have benefits was slow to catch on but has surged in popularity in recent years.

As far back as 1982, a union at New York's Village Voice newspaper obtained the benefits for its employees, she said. From then until 1990, only five companies offered medical and dental benefits to gay partners.

Since 1990, she said, "there has been at least a 100 percent increase every year."

Winfeld says some municipalities and colleges and universities offered the benefits to all cohabiting couples because unmarried heterosexuals began to complain that they were being discriminated against (though they always have had the legal right to marry).

Including unmarried heterosexual couples in benefits plans would boost costs about 3 percent, experts said.

Many firms that already offer benefits have monitored the Southern Baptist boycott carefully. Disney officials have reported no effect on profits so far, but other companies probably are glad they introduced the coverage without much fanfare. On the other hand, few other companies represent traditional family values as much as Disney, Stadler pointed out.

Of course, most of its family movies hardly mirror the experiences of real people, noted Janice Van Cleeve, a senior manager for hardware products at Microsoft Inc., based in Redmond, Wash.

"The reason Disney has come under such fire is because it used to portray fantasy families that fit these people's ideals or stereotypes. Now, Disney shows real families and real people."

Microsoft is not overly concerned about a boycott, she said. "They're not going to give up their computers."

Microsoft began offering domestic partnership benefits in 1993. It merely penned the words "or domestic partner" into its medical insurance coverage, granting the same coverage as spouses. It did so because major competitors Lotus, Borlund and Apple offered the benefits, according to Van Cleeve.

"All over the U.S. you're seeing statistics that unemployment is way down, and that means labor is scarce," she pointed out. "Good labor is very scarce. You cannot afford to discriminate on the basis of sexual orientation . . . there is no profit in prejudice."

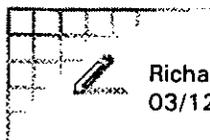
The new San Francisco ordinance, which is being challenged in court by companies that don't want to change their benefits packages to do business in that city, largely has been met with compliance, said attorney Kors. "If the city is going to contract out services, we want to give preferences to companies that don't discriminate based on sexual orientation.

"We have a reputation for not doing business with companies that discriminate by race, gender, religion and age. We're talking 12,000 to

16,000 contracts a year."

Will the Baptist boycott against Disney be effective? Experts such as Mark Stadler hesitate to guess. Even church leaders say it's a tall order and that the boycott is mostly symbolic.

As Stadler tells the companies that solicit his advice: "You have to look at the demographics of your own organization. This is not one of the biggest issues in the field of employee benefits. But it is the most controversial



Richard Socarides
03/12/97 07:16:25 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: FRC Attacks Bank of America as an "Enemy of the Family"

More to follow.

----- Forwarded by Richard Socarides/WHO/EOP on 03/12/97 07:13 PM -----



Doug Case @ sdsu.edu
03/12/97 05:46:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: FRC Attacks Bank of America as an "Enemy of the Family"

This press release about Bank of America's recent announcement was sent out earlier today. If you have any questions or comments about this press release or about the Family Research Council, please visit our web site at:

<http://www.frc.org>

FOR IMMEDIATE RELEASE: Mar. 12, 1997
CONTACT: Kristi S. Hamrick, (202) 393-2100
FOR RADIO: Kristin Hansen
For SOUNDBITES: Direct Newsline, (202) 393-6397

BANK OF AMERICA WITHDRAWS SUPPORT FOR MARRIAGE, BECOMES "ENEMY OF THE FAMILY," FRC SAYS

FAMILY GROUP DENOUNCES BANK'S PLAN TO SUBSIDIZE OUT-OF-WEDLOCK "PARTNERSHIPS"

WASHINGTON, D.C. -- "Bank of America's announcement that unmarried heterosexual 'partners' and homosexual 'partners' will receive family benefits shows that the bank has joined forces with those trying to destroy marriage as the core institution of civilization," Family Research Council Director

of Cultural Studies Robert Knight said Wednesday.

"We applaud the bank's efforts to insure extended families, but this should include relationships based on blood, adoption or marriage," Knight said. "It should not be used as a way to broaden societal support for sex outside marriage. The destructive message that this sends young people is: you need not plan for marriage, since you can have it all without making that commitment.

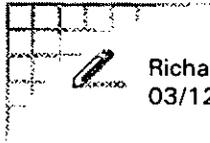
"In an age when marital collapse is at the heart of our downward spiral, Bank of America's action can only hasten moral deterioration and threaten the well-being of children. Research overwhelmingly shows that children do best in families that have a married mother and father. By subsidizing non-marital relationships, Bank of America is helping to doom more children to lives of insecurity and heartache.

"We hoped that the bank had learned its lesson a few years ago when it bowed to homosexual activists and cut off charitable funding to the Boy Scouts of America for not having homosexuals as scoutmasters. When outraged citizens withdrew millions of dollars from the bank, the policy was reversed. Now, here they are again, blatantly showing disregard for the moral order. With a policy that can lead only to more marital destruction, Bank of America must now be considered an enemy of the family.

"We urge Bank of America customers to let the bank know that it has committed a grievous error, and we hope that the bank will once again listen to reason. We also urge other businesses, such as United Airlines, to challenge San Francisco's oppressive ordinance requiring businesses that trade with the city to provide 'partner benefits.' No government has the right to force anyone to subsidize immorality, and the law is clearly on the side of businesses that refuse to knuckle under to Mayor Willie Brown's threats. San Francisco's attempt at tyranny must be resisted, not accommodated."

This message has been forwarded to a private list of lesbian, gay, bi, and transgender political activists, to the QueerPolitics e-mail discussion group, to the GayNet e-mail list and/or to LGBT media as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

File -
Gay + Lesbian
Partner Act



Richard Socarides
03/12/97 05:51:45 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Bank of American Complies with SF DP Law

----- Forwarded by Richard Socarides/WHO/EOP on 03/12/97 05:48 PM -----



Doug Case @ sdsu.edu
03/12/97 03:15:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: Bank of American Complies with SF DP Law

THE SAN FRANCISCO CHRONICLE March 11, 1997
901 Mission St., San Francisco, CA, 94103
(Fax 415-896-1107, print run 570,300)
(E-MAIL: chronletters@sfgate.com) (<http://www.sfgate.com>)

BofA Heeds S.F. Law, Offers Domestic Partner Benefits
Bank's decision covers parents, siblings as well
Ilana DeBare, Chronicle Staff Writer

Bank of America yesterday joined the growing ranks of companies offering health coverage to the domestic partners of their employees -- a move that bank officials said was spurred in part by San Francisco's new law requiring such coverage from companies with city contracts.

With 80,000 U.S. employees, the San Francisco bank is the largest financial institution to offer a significant program of domestic partner benefits. It is also the first major company to credit the controversial San Francisco law in its decision.

Beginning in January 1998, Bank of America will begin offering medical, dental and vision coverage to what we are calling extended family members -- a parent, a sister or brother, an adult child, or yes, a domestic partner of the same or opposite sex," said bank spokesman Dennis Wyss. "We feel the San Francisco ordinance was a factor in our decision-making, but it was only one factor. We have been considering this a long time."

Gay and lesbian employees at BofA had been pressuring the company for years to follow firms such as IBM Corp., Apple Computer and Disney in offering benefits to domestic partners.

In the fall, the San Francisco Board of Supervisors passed a law requiring anyone with a city contract to offer domestic partners the same benefits offered to married couples.

Gay rights advocates praised the bank's decision and credited the mix of internal and external pressure as an influencing force.

``The legislation was the straw that broke the camel's back -- the impetus for the company to do the right thing," said Jeff Sheehy, president of the Harvey Milk Lesbian/Gay/Bisexual Democratic Club.

Elected officials said the bank's move was proof that the domestic partner law was having its intended effect.

``This sends a very positive message and lets other businesses know that domestic partner benefits are workable," said Supervisor Leslie Katz, one of the chief backers of the law. ``This is a great example of a responsible business approach to the changing needs of our society. I think we're going to see other large companies that want city contracts moving in this direction."

But the bank's decision was also greeted with harsh criticism yesterday -- both from conservatives and from some gay rights advocates who felt it didn't go far enough.

``It looks like I'm going to have to do my banking somewhere else," said the Rev. Louis Sheldon, a Bank of America customer and chairman of the Traditional Values Coalition, a group of 8,300 churches that opposes gay rights. ``The backlash from the moderate to conservative parts of California could be quite significant."

Liz Winfield, a Massachusetts business consultant who conducts education about gays in the workplace, objected to the bank's extension of benefits to family members and domestic partners. BofA is one of the few major companies to offer brothers, sisters and other family members the same benefits as domestic partners.

``That sort of cheapens the (domestic partner) relationship," Winfield said. ``If I were an employee who needed benefits, I'd be grateful that this could save me thousands of dollars a year. But I'd also feel that it cheapened my relationship."

Until yesterday's announcement, BofA had offered bereavement leave and family medical leave to domestic partners of its employees, but health benefits had been reserved for spouses and children.

With the announcement, BofA becomes the 17th Fortune 500 company to offer health benefits to domestic partners, Winfield said. It follows in the footsteps of more than two dozen big Bay Area employers such as Levi Strauss & Co., Kaiser Permanente, Hewlett-Packard Company, Silicon Graphics and Sun Microsystems.

Bank officials said their new policy would meet the needs of their workforce.

``This is basically an acknowledgment that the families our employees support include parents, siblings, domestic partners and others," Wyss said.

THE LOS ANGELES TIMES March 11, 1997
Times Mirror Square, Los Angeles, CA, 90053
(Fax 213-237-7679 or 213-237-5319, print run 1,103,200)
(E-MAIL: letters@latimes.com) (<http://www.latimes.com>)

B of A to Extend Health Benefits to Unmarried Partners

Banking: Employees may choose an adult relative instead. Firm is first major bank to have such coverage.

By DON LEE, Times Staff Writer

Bank of America said Monday that it will offer health and dental benefits to gay and heterosexual partners of employees, becoming the first major U.S. bank to provide such coverage.

The new program, which will be offered to most of the bank's nationwide work force of 80,000, including 25,000 in the Southland, will allow an employee to enroll one domestic partner or another dependent adult relative, such as a parent, grandparent or sibling. The benefit will begin next January.

BofA's step was partly prompted by San Francisco's recent ordinance that penalizes city contractors who do not offer domestic partner benefits. BofA, which is based in San Francisco, is a major contractor with the city.

But the bank's decision, which followed three years of internal study, was seen as extraordinary because of the breadth of its program and the fact that it took shape in a button-down industry.

"This is an indication that providing coverage to nontraditional members is extending to a conservative industry," said Michael J. Powers, a benefits consultant at William M. Mercer Inc.

Powers, who heads his firm's national resource group on domestic partner benefits, said about 400 private U.S. businesses now offer the benefits. Academia and the entertainment industry have led the trend, although American Express and IBM are among the most recent to offer the coverage.

Some companies have limited the extension of benefits to same-sex partners, as Disney did more than a year ago, in the process inflaming a number of conservative groups. But relatively few companies have extended the coverage to include adult dependents such as a grandparent or sibling.

Powers, however, said more companies were considering the broader coverage, perhaps partly to defuse the controversial issues raised by the benefits.

"I think it's a business issue for most corporations," said Susan Gore, owner of the Mentor Group, a Dallas-based management and diversity consulting company. "It's not just doing the right thing, but it's about attracting and retaining the best and the brightest."

Dennis Wyss, a BofA spokesman in San Francisco, said Monday that the bank was not calling it domestic partner benefits but rather extended family benefits. Enrollment will start this fall, he said, and employees would need to show

they have been in a committed relationship for at least six months with the domestic partner seeking the benefit. To sign up other related adults, employees must verify that that person is claimed as a dependent on an IRS form.

"It's an acknowledgment that our employees are responsible in supporting a number of extended family members," Wyss said. The new benefits were not announced publicly by BofA, but revealed in an employee newsletter Monday.

Wyss said it was unclear how many people will enroll a domestic partner or dependent in the program. Companies have found that 1% to 3% of employees sign up for domestic partner benefits, although BofA may experience a higher enrollment because its program is broader. Wyss said the bank does not expect the plan to cost it significantly more.

Analysts said they expect other companies, particularly those contracting with San Francisco, to offer the coverage. Other banks were eager Monday to learn what BofA had offered.

"It's something we've been thinking about [for] over a year," said Kathy Shilkret, a Wells Fargo spokeswoman. "But we're not ready to announce any program."

Richard Jennings, executive director at Hollywood Supports, a group that has pushed studios to offer the benefits, said, "We've been talking to a lot of banks and financial services companies about it." He said BofA's announcement is "recognition that there are lots of gays and lesbians working in the financial services industry."

Times staff writer Vicki Torres contributed to this report.



REED_B @ A1
03/12/97 03:29:00 PM

*gays + lesbians
Partners Act*

Record Type: Record

To: Elena Kagan

cc:

Subject: CHICAGO MAYOR'S GAY BENEFITS PROPOSAL FOR CITY WORKERS ...

Date: 03/12/97 Time: 14:48

Chicago Mayor's Gay Benefits Proposal for City Workers Faces Test

By John Kass and Jacquelyn Heard, Chicago Tribune
Knight-Ridder/Tribune Business News

CHICAGO--Mar. 12--Chicago's Roman Catholic Archdiocese is bowing out of Wednesday's City Hall debate over Mayor Richard Daley's plan to extend health insurance and other benefits to partners in homosexual relationships.

The mayor's policy does not directly address the issue of gay marriage for city workers but provides the same financial and health benefits received by married couples.

Daley maintains he is promoting the plan only for unmarried gays because unmarried heterosexual couples retain the option of marriage.

Instead of testimony from the Catholic Church leaders, there will be a press release read at Wednesday's Finance Committee meeting.

Senior Daley administration officials predicted Tuesday that pro-Daley aldermen, after heated testimony, will vote 13-8 to recommend full City Council passage, allowing some allies to walk away from the controversy.

"We're not sending anyone," said the Rev. Michael Place, senior policy adviser for the archdiocese, which has been without a leader since the death of Cardinal Joseph Bernardin in November. The late cardinal opposed the gay benefits policy.

Place said the church will not ask the Finance Committee to read the written statement into the record on Wednesday.

"Our position is well known. We don't see a need to send a representative. I think everyone is very aware of what our position is," he said.

The archdiocese's criticism was laid out in the third paragraph of a four-paragraph statement that was issued Feb. 28.

"The archdiocese is concerned that the proposal to extend benefits to domestic partners will equate the status of gay or lesbian partnerships with that of a marriage between a man and a woman, and erode the institution of marriage and family," it said.

Place said that any member of the clergy who appears at the Finance Committee meeting to protest the policy will do so "on their own" and that their opposition would not be endorsed by the archdiocese.

Some Protestant church leaders are expected to publicly condemn the measure, along with anti-abortion activist Joseph Scheidler.

Other churches support equal benefits for gay workers, and some endorse holy unions.

Gay groups are expected to attend the meeting. City officials from the

Law and Budget Departments are expected to testify in favor of the plan, which would extend benefits beyond the bereavement leaves that were given to partners in gay relationships three years ago.

City officials are expected to argue that the benefits package will cost taxpayers less than \$1 million a year. And city lawyers will argue that the government can fight expected legal challenges from heterosexuals who argue for the same benefits for unmarried partners.

Taxpayers in New York and San Francisco, however, where similar measures have passed, are now paying benefits for unmarried heterosexual couples as well.

While the measure is debated in City Hall on Wednesday, another gay rights issue is set for debate in the Illinois House, where Democrats are trying to add sexual orientation to a list of protected classes that include race, gender and disability.

Among those expected to testify on behalf of Daley's plan is Chicago police officer Lori Cooper, a liaison to the gay community for the Town Hall Police District.

"For myself, it's extremely important. I've been in a domestic partnership for three years, and I'm committed to that for life, just as if I were married. It's very important to me.

"My job is to serve and protect. My partner in the squad car, he can rest assured that his family is protected by the city. He has peace of mind knowing if he receives injury, his family is covered by his benefits."

That point of view will be challenged by the Rev. Hiram Crawford, pastor of the Israel Methodist Community Church, 7620 S. Cottage Grove Ave.

"This is blasphemous to Christianity," he said. "Two men can't have a baby. If we keep promoting this kind of insanity, we will give superiority to sodomites and lesbians, and heterosexuals will be pushed to the side."

As the Daley administration rehearsed the order of testimony on Tuesday, some normally staunch Daley allies were saying that in this case, at least, they would have to split with the mayor to respond to the opinions of their ward constituents.

"I am surprised that the archdiocese is not sending anyone," said Alderman Virginia Rugai, who opposes the plan and said she will vote against it at the full council meeting on March 19.

Aldermen Sam Burrell, Ricardo Munoz and Billy Ocasio said they would support the measure as a fairness issue, but conceded that it could be used against them in re-election campaigns.

Alderman Michael Chandler said he hadn't made a decision and would ask West Side block clubs to help him decide his vote.

But Alderman Ray Suarez said such a vote would amount to political suicide in his heavily Catholic and Pentecostal North Side ward.

"My neighbors won't go for it and I'm not going for it," Suarez said. "I just won't. I'm Roman Catholic and I'm against it. I don't know what the church is doing though."

Tribune staff writer Terry Wilson contributed to this article.

FOR ONLINE SERVICES:

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Tobias

THE PRESIDENT - 3-6-97

3-6-97

File -
Plus seen

1. Capital Gains - If You Do Cut It, Cut It Gradually. I think a cut in the capital gains tax, whatever its merits, could lead to a real break in the markets. Millions would have an immediate reason to sell; no one would have an immediate reason to buy. (Sellers could sit on the cash or use some of their proceeds to pay down debt.) My suggestion: something like 2%-a-year cut for four years, bringing the 28% ceiling down to 20%. Selling would be spread out; buyers would have an incentive to buy (knowing profits would be more lightly taxed) . . . it could avert disruption.

Guns

2. Tobacco Tax to Help Fund Medicare. The best way to discourage kids (and others) from smoking is raise the price. Phasing in an additional 75-cent tax over three years gives people time to quit (saving them not just the tax, but a ton of money). And though in one sense the burden falls hardest on the poor, so do the benefits: they're most likely to quit and live longer, healthier lives (and save all that money). Tied directly to helping to solve the Medicare crisis, cutting teen smoking, and improving the nation's health -- could this fly?

Guns
Abroad

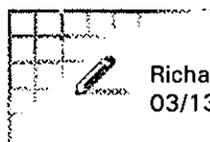
3. Follow IBM on Gay Rights. If it's good enough for IBM, Microsoft, Time-Warner, American Express and so many of our other leading private employers, why not follow their lead and extend domestic-partner benefits to federal employees as well? How can Republicans shout too loud about that? I think Barney has come up with a winner here. Between that and ENDA, which just might pass before you leave office, and everything else you've done, you would have taken the country unbelievably far on this issue. (In the midst of all the criticism from both extremes, I hope you will never doubt how much you've already improved our lives.)

Abroad
Deals

4. But One More Thing. You are such a great communicator, at least to the 80% whose minds aren't closed, I hope that at some point in these four years you will make a speech on "tolerance," perhaps at a church, that would include a significant chunk on gays and lesbians. Needless to say, I would be eager to help you write it. Done right -- and I know you could do it beautifully -- it would resonate with almost any parent, regardless of the circumstances. It would not hide your own ambivalence over some aspects of this; indeed, by acknowledging it, it would win over much of the audience to listen to the rest. But it would accomplish three things. First, it could really help to educate and lead the great middle of this country. Second, it would be a speech tens of millions of gays and lesbians around the world, now and in future generations, would have to lean on as an underpinning of their feeling of self-worth. Third, it could "raise the bar" and make it easier for your successor to solidify and hopefully continue the progress you have made.

From Andy Tobias

File:
Gay + Lesbian
Partners Act



Richard Socarides
03/13/97 07:24:47 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Senator Torricelli Offers Family Leave Benefits to Gay Staff, F

----- Forwarded by Richard Socarides/WHO/EOP on 03/13/97 07:21 AM -----



Doug Case @ sdsu.edu
03/12/97 08:54:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: Senator Torricelli Offers Family Leave Benefits to Gay Staff, F

Senator applies leave law to gay staffers
March 12, 1997

WASHINGTON (AP) -- Sen. Robert Torricelli, D-N.J., has extended benefits of the family-leave law to gay members of his staff.

A homosexual-rights group said other lawmakers have done it informally, but that the freshman senator is the first to write it into his office policy.

It means that a gay staffer could get unpaid leave to care for a companion in a medical emergency.

The 1993 Family and Medical Leave Act requires companies with 50 or more employees to offer 12 weeks of unpaid leave within a 12-month period for family emergencies.

But Torricelli told The Hill newspaper, "This is making the laws of Congress consistent with a new and rising national standard of equality. ... Rather than being the last institution to rise to this new standard, Congress should be a part of the change."

Torricelli has a staff of 43. The benefit has been added to his office personnel manual.

"My general sense is that many offices in the House and Senate do offer this benefit to employees in an informal manner," said David Smith, spokesman for

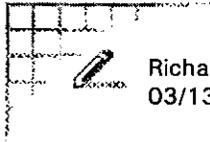
the Human Rights Campaign. "Senator Torricelli has gone the extra step and placed that policy in writing."

Torricelli spokesman Jim Jordan said this does not make companions of gay staffers eligible for any health benefits in their own right. "It's for sickness, bereavement," he said.

A conservative group criticized Torricelli's gesture.

"This was a law developed for the purpose of ensuring that people can care for their families," said Kristi Hamrick, spokeswoman for the Family Research Council. "It's inappropriate for a senator to cheapen the meaning of family by saying family is a `fill in the blank.'"

This message has been forwarded to a private list of lesbian, gay, bi, and transgender political activists, to the QueerPolitics e-mail discussion group, to the GayNet e-mail list and/or to LGBT media as a free informational service. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."



Richard Socarides
03/13/97 07:25:13 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Chicago Finance Committee Approves DP Benefits

----- Forwarded by Richard Socarides/WHO/EOP on 03/13/97 07:22 AM -----



Doug Case @ sdsu.edu
03/12/97 08:55:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: Chicago Finance Committee Approves DP Benefits

Benefits for gay partners appvd by Chi.

CHICAGO, March 12 (UPI) _ A key Chicago City Council committee has voted to extend government employee health benefits to the domestic partners of homosexual city employees.

The city's Finance Committee Wednesday voted 15-7 in favor of the proposal _ which was favored by Chicago Mayor Richard Daley _ after three hours of debate and despite loud protests from anti-abortion and fundamentalist religious groups.

Daley had steadfastly stood behind the proposal despite criticism based not only on moral and religious grounds, but from aldermen and others who believed it was unfair to extend benefits to gay domestic partners but not to heterosexual domestic partners.

Passage of the bill by the city's powerful Finance Committee virtually assures its approval by the full City Council. The overwhelming votes of the pro-Daley aldermen on the committee allowed some of the mayor's allies to vote against it or to walk away from the controversy.

And there was plenty of controversy. Protesters spent much of Wednesday picketing and chanting outside of City Hall, saying the proposal rewards immorality and sanctions the gay lifestyle.

Some carried signs urging Chicago not to act like San Francisco. Others

blasted Daley and claimed the vote would erode the morals of the city. The measure was also opposed by the powerful Catholic Archdiocese of Chicago, which, however, failed to send anyone to testify against the measure.

File - Gay/Les
Fed Employee
Domestic Partner Act

my -
the Team

Domestic Partnership

Sec. 1 BENEFITS

The domestic partner of a Federal employee shall be entitled to certain benefits available to the spouse of a Federal employee.

SEC. 2. AFFIDAVIT

An employee seeking benefits under this Act shall file an affidavit of eligibility for such benefits. Each affidavit shall include sworn statements that the employee and domestic partner:

- a) are each other's sole domestic partner and intend to remain so indefinitely;
- b) have a common residence, and intend to continue that arrangement;
- c) are not related in a way that, if the two were of opposite sex, would prohibit legal marriage;
- d) are at least eighteen (18) years of age and mentally competent to consent to contract;
- e) are jointly responsible for each other's common welfare and financial obligations;
- f) are not married to or domestic partners with anyone else;
- g) understand that willful falsification of information within this affidavit may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification; and,
- h) shall file a statement of termination of eligibility within 30 days of the earliest of the death of a domestic partner or the date of dissolution of the domestic partners' relationship.

SEC. 3 DEFINITIONS

- A) DOMESTIC PARTNER. A domestic partner is an adult person living with another adult person of the same sex in a committed, intimate relationship.
- B) BENEFITS. Benefits available are those to which a spouse of a Federal employee would be entitled pursuant to:

- 1) Civil Service Retirement System, as provided in Title V, ch. 83 of the United States Code
- 2) Federal Employees' Retirement System, as provided in Title V, ch. 84 of the United States Code
- 3) Life Insurance, as provided in Title V, ch. 87 of the United States Code
- 4) Health Insurance, as provided in Title V, ch. 89 of the United States Code;
- 5) Worker's Compensation.

C) EMPLOYEE:

- 1) For Section 3(B)(1), employee shall have the same meaning as provided in 5 U.S.C. Section 8331(1).
- 2) For Section 3(B)(2), employee shall have the same meaning as provided in 5 U.S.C. Section 8401(11).
- 3) For Section 3(B)(3), employee shall have the same meaning as provided in 5 U.S.C. Section 8701(a).
- 4) For Section 3(B)(4), employee shall have the same meaning as provided in 5 U.S.C. Section 8901(1).

Fid - Gay/Lesbi-
~~Fed.~~ Fed. Employees -
Domestic Partner Act

Cory Frick

Unions ✓
Cops have IT

NTEU/AFSCME/

Enumerated -
health/retirement

dim key.

No standing of hand.

Pres asked

Can do affidavit

Restricted to same-sex couples

Pres asked

Should - otherwise - can say undermining marriage.

Must cos. do only same-sex.

ss/imm/ Tax Returns

Fairbairn -

Make it a separable item.

Unions would ask -

Then we'd give.

Already in position
in FMLA (close affinity)

bereavement

supported DC's vt

to have - opposed

repeal of this.

Next week -

If we're interested,
would wait a few wks.

70-80 Dems vote a/c TRA - get back on good side
Mod conservatism - hard time.

Tom Davis -
not support

[LOTUS - cond. of merger w/ IBM.]

Morella | Bill Thomas

9.6.66 - special
event -

Would come

Microsoft

IBM

Apple

Time-Warner

Levi Strauss

Public sector unions -

If we
wanted
more than
same - sup.

OK -
would accept

(though much more
costly)

(discrimination -
issue)

"Undermining marriage?"
then drop that part.

Can wait till get back
Mid April.

Announcements

Mel
Ann
John
Steve

Robb -
Pres Plan
satellite
FL wife

ZPP -
how active
items.