

DOMA STORIES



How Federal Marriage
Discrimination
Hurts American Families

Introduction by Mary L. Bonauto
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Gay and lesbian couples who have married have inevitably encountered two very different experiences: the joy of making their vows to each other in front of friends and loved ones, fully being recognized as a family – followed by the cold shock of DOMA – the federal Defense of Marriage Act.

Over the years, we at GLAD have heard from thousands of couples and families who are hurt by DOMA's federal definition of marriage – telling them that they are not married at the federal level for any purpose, and denying them the protections and responsibilities other married people take for granted.

There's Andrew Sorbo, a retired school teacher, whose husband Colin Atterbury died of pancreatic cancer. After years of devoted care-taking, and while still grieving, Andrew learned that his income would drop by 80 percent. Because of DOMA, Andrew was denied the pension of his late husband, who had been a doctor and administrator at a federal Veterans Administration hospital. Then there's Judy Paiva, an American who is married to Sandy Ansell, a Canadian. While facing Judy's cancer together, they have lived in fear of being separated by DOMA, since Judy cannot sponsor Sandy for citizenship as other spouses can.

On a bread-and-butter level, some married couples pay thousands of extra dollars in federal income taxes every year because they cannot file their federal returns as married. For couples like Mary Ritchie and Kathy Bush, and Rebecca Rehm and Judi Burgess, that is money they could spend on their children's health and education. Still others, like Ann Meitzen, a social worker with serious health conditions, are unable to transition to part-time work or retire because of DOMA. Ann must keep working in order to have health insurance because DOMA blocks her from being covered on her wife Joanne Pedersen's federal retiree health insurance.

The United States makes a promise to its citizens that they come before their government as equals. That is not the experience of the couples in this book, or the thousands of same-sex couples who have married in this country since 2004. By telling these stories, we hope to create a better understanding of the ways in which federal discrimination against married couples under DOMA needlessly hurts families every day, physically, financially and emotionally. As Judi Burgess puts it, "Because of DOMA we are not a family in the eyes of the federal government. I feel like half a citizen."

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Tom Casey Hopkins & Darrel Hopkins

INELIGIBLE Burial in Veterans' Cemetery with Spouse

As a high school dropout in North Dakota in 1962, Darrel Hopkins saw very little opportunity for himself until he joined the U.S. Army. Within a few months of enlisting he earned his GED and completed a year's worth of college-level courses. When his enlistment ended three years later, Darrel realized civilian life wasn't for him and rejoined the Army.

He served in a Military Intelligence unit in Vietnam, where he earned two Bronze Stars, the Vietnam Campaign Ribbon and the Vietnamese Cross of Gallantry with Gold Palm. One memorable incident was his involvement in the early evening rescue of a fellow soldier stranded with a disabled vehicle, who would otherwise have had to spend the night in Viet Cong territory. It was too dangerous for a tow truck to venture out that late in the day, as it was a prime target for the VC.

Darrel retired from military service in 1982 as a Chief Warrant Officer. He continued to work for the Army in a civilian capacity until 1986 – two years after meeting his husband, Tom Casey Hopkins – when he began working for the IRS. He retired from the IRS in 2007.

Darrel, now 65, and Tom, now 58, were married at the Newman Center in Fitchburg, Massachusetts on September 18, 2004. 65 friends and family members attended the ceremony, which was officiated by Darrel's former boss at the IRS.

Marriage has enriched Tom and Darrel's familial bonds, says Tom, who took Darrel's last name. "We think of each other's children as our own ... more than we used to," he explains. Both were previously married; they have five adult children, 18 grandchildren and one great grandchild between them. "I would like to be thought of as a family and not just as two guys who had been together living under the same roof for twenty years."

Under DOMA, however, the federal government does not recognize Tom and Darrel's marriage so Tom is ineligible for a host of benefits routinely available to other spouses of federal employees and military veterans. Darrel estimates that they lose more than \$12,000 annually because of additional expenses, taxes, or lost income.

One of the many military benefits they're denied is the right to be interred together in a national veterans' cemetery. Opposite-sex spouses of veterans are eligible for interment in national veterans' cemeteries, but because Darrel is in a same-sex marriage he's forced to choose between recognition for his military service and being laid to rest with Tom.

After watching a TV program about Arlington National Cemetery that depicted the solemn ceremonies in which service members are laid to rest, Tom realized he very much wanted Darrel to be honored in the same manner. "Every aspect of his career says that he could be buried in Arlington just like anybody else," says Tom. "I just feel like there's no reason ... that a gay spouse should not be able to be buried with their partner," says Tom.

They thought they solved their problem after taking a trip in 2008 with Tom's mother to Massachusetts Veterans' Memorial Cemetery in Winchendon, a 210-acre swath of rolling green hills and wooded areas. As a state-owned veterans' cemetery in a marriage equality state, the Massachusetts Department of Veterans' Services (DVS) approved the Hopkins' application for joint burial quickly and without question.

Tom and Darrel were thrilled. But not long after, Attorney General Martha Coakley's office asked to meet with Tom and Darrel and told a different story: federal officials had made clear to DVS that interring a same-sex couple in either of the state's veterans' cemeteries could jeopardize federal funding—a potential loss of nearly \$8 million for the Winchendon location.

The turnabout, says Tom, felt like "popping a balloon."

The issue remains unresolved, though DVS has not rescinded approval of their application. The couple featured prominently in the Commonwealth's challenge to Section 3 of DOMA.

Meanwhile, they enjoy the life they've built together over 26 years, in the home they built together. When Darrel retired, Tom also left his job as assistant coordinator for special events at Old Sturbridge Village. He and Darrel now volunteer together at the museum about twice a month and often visit their children and grandchildren, most of whom live out of state.

It's they who Darrel says are being hurt the most by the losses he and Tom suffer under DOMA. "We're spending their inheritance and it's going to be much smaller than it would be otherwise," says Darrel, adding that he and Tom are doing alright but live somewhat frugally.

"If they dump DOMA," adds Darrel, "our children will see the benefit."



Raquel Ardin & Lynda DeForge

DENIED Family Medical Leave

Lynda and Raquel met in 1977 when they were both in the Navy. Raquel was in the hospital recuperating from a broken neck, the result of an accident in the barracks. Lynda was a medic whose duties included caring for Raquel. “It was love at first sight,” says Raquel. “For me, at least.” They struck up a friendship over bedside card games and shared meals.

Their first date was to see Star Wars. Lynda hated the movie, but she fell in love with Raquel. More than 30 years later, Lynda says, “We’re stuck like glue.” They live in North Hartland, Vermont, and Raquel’s 89-year-old father, Jesus, lives with them. On Sept. 7, 2009, Jesus officiated at Raquel and Lynda’s wedding, a private ceremony in their home. “My dad is a sweetheart,” says Raquel. Prior to their legal marriage, they were joined in a civil union in 2000.

Lynda is a 25-year employee of the U.S. Postal Service and works the night shift at a White River Junction branch. Raquel retired from the Postal Service after 25 years because of disability related to her neck injury. For the last 10 years of Raquel’s employment, she and Lynda worked the same shift, in the same office, doing the same job. Their co-workers marveled at how they could stand to spend so much time together. But Lynda says, “We’re like one person.” Now, Lynda calls Raquel every night on her 10:30 p.m. break; Raquel waits up until Lynda gets home after her shift ends at 2:30 a.m.

Caring for family members has been a constant over the course of their life together. In addition to caring for Raquel’s father, they nursed Raquel’s mother back to health after she suffered a stroke. They moved from Florida to Vermont in the early 1980s to care for Lynda’s mother, who had Alzheimer’s disease, and nursed her father as he was dying of cancer. “To me, it’s just something you do,” says Lynda. “If they need help, you help them.”

DOMA prevents them from caring for each other, as they have for their parents and the way other married couples routinely take care of each other. Raquel needs quarterly neck injections to manage her degenerative arthritis – a consequence of her military injury. Lynda applied for time off under the Family Medical Leave Act (FMLA) – the federal law that allows workers time off to care for a spouse, child or parent who has a serious health condition – so she could transport Raquel the 2 ½ hours to and from the VA Hospital that administers this procedure. Her supervisors granted the leave, but then had to rescind it because of DOMA’s non-

recognition of their marriage. Lynda could not use FMLA leave to be by her spouse’s side when Raquel needed knee surgery last June either.

Additionally, as a federal employee and a federal retiree, Lynda and Raquel both obtain their health insurance through the U.S. Office of Personnel Management. But because of DOMA, they pay for two individual policies rather than being on one family policy, as other federally-employed married couples are allowed to do.

Before dealing with these issues, it hadn’t occurred to Lynda and Raquel that they could be treated differently than other married couples. “It never even struck our minds until I got that FMLA rejection saying it’s because of DOMA,” says Lynda. “That’s the point that we really realized that we aren’t treated the same.” She points out that she was permitted to take two weeks off under FMLA to care for her father when he was dying. She used 24 hours of vacation time to care for Raquel.

“I don’t think it’s right,” says Raquel.



Laurie Hart & Caroline Hart

INELIGIBLE Sponsorship of Spouse for Citizenship

After viewing pictures of the massive death and devastation caused by the 2004 tsunami in Southeast Asia, Caroline Hart, a British photographer, wanted to do more than just make a donation. “I wanted to feel I had actually done something real, that amounted to something,” Caroline explains, “rather than just sitting back and letting everybody else do the work.”

So she enlisted her childhood friend, the singer-songwriter Julia Fordham, to re-record her late-80s hit “Happy Ever After,” an anti-apartheid song, with new lyrics addressing the tragedy. Sales of the remix generated \$40,000 that went directly toward rebuilding an elementary school – where 13 students were lost to the floodwaters—in Tamil Nadu, India. In 2007, the school re-opened with a celebration where local children performed musical numbers and dance routines. “It was so amazing to see it come to fruition,” Caroline says.

Now, Caroline, 47, is fighting for her own version of Happy Ever After alongside Laurie Hart, 41, an American citizen and her wife of five years. DOMA threatens to tear their marriage apart, because it prevents Laurie from sponsoring Caroline for U.S. citizenship, as straight people are routinely allowed to do for their foreign-born spouses. Instead, the couple shuttles back and forth between their home in Somerset, Massachusetts and Caroline’s hometown of Portsmouth, England since Caroline’s visitor’s visa allows her into the U.S. for just six months at a time. The instability of their domestic life is straining their emotions and their finances; they’ve spent about \$70,000 on travel costs alone over the course of their relationship.

But her 10-year visa is no guarantee Caroline will continually be allowed to re-enter the States as the couple awaits the day the U.S. government stops discriminating against them. They learned this the hard way back in June, when immigration officials interrogated Caroline after she landed at Logan Airport in Boston, questioning the motivation behind her frequent comings and goings since she first met Laurie. Even though she has never overstayed her visa, Caroline says immigration officials warned her that she is spending too much time in the country, and that if she doesn’t stay away between two and six months the next time she leaves, she may be denied entry.



The interrogation, Caroline says, made her feel like a criminal. “There’s never ever been an intention of coming in and abusing the system,” she says. “It’s just because I love Laurie. I’ve made that commitment to be with her, we want to make our life here, and that’s it really.”

Laurie and Caroline could move to England, where same-sex couples are treated equally under immigration law. But Laurie, who owns her own photography business, is devoted to her ailing father, a widower who survived a massive stroke and lives in a nursing home. She also doesn’t want to disrupt her 17-year-old son Jonathan’s life with an international move, whereas Caroline sees her sons Andrew, 13, and Leo, 9, on a monthly basis either in England or the U.S. thanks to extended school vacations.

They avoid much discussion about the very real possibility they’ll be forced to live apart, despite warnings from immigration lawyers and advocates who have advised them to make a contingency plan. “We don’t really want to believe that it’s possible,” says Caroline. “It’s too horrible to have to think that we may be forced to be separated.”

Meanwhile, they make the most of their time together. Says Laurie, “We enjoy going out and we hang out with our friends, we go to movies, we go out to restaurants – it’s a normal life.”

Mary Ritchie & Kathy Bush

INELIGIBLE Public Safety Officer Survivor Benefit
BURDENED Higher Taxes

Like many moms, Mary and Kathy spend their evenings cooking dinner and checking homework for their two boys while navigating a maze of Legos and basketballs...and soccer balls, baseballs, and hockey skates. By day they are both engaged members of their community in Framingham, Massachusetts. Mary, a state trooper, collects and analyzes evidence at crime scenes. Kathy sits on the PTO executive board and is deeply involved in her boys' education, volunteering in the school library, reading in their classrooms and coordinating book fairs to help their grade school raise money.

Mary and Kathy have been together for nearly 20 years. They married in 2004 at their home in Framingham, surrounded by friends, neighbors, and family, including their sons 11-year-old Ryan and 9-year-old William.

Kathy, originally from Framingham, decided to stop working after Ryan was born so she could stay home with the boys full-time. Mary is a Boston native and has been a state trooper for more than two decades. As a Lieutenant in the state police force, she risks her safety every day to protect her community.

But if Mary were killed in the line of duty, the federal government would deny Kathy the benefits the government pays to officers' surviving spouses. Kathy also wouldn't be eligible for the education benefit for surviving spouses—which she would need to re-enter the workplace.

“Every time a member of law enforcement dies in the line of duty, we're reminded of how vulnerable our family is,” says Mary. “The federal government provides a safety net for the families of public safety officers who die, including a death benefit and an education benefit for surviving spouses. But because the federal government discriminates against our marriage, if something happened to me, Kathy would get nothing.”

And unlike other married couples, Mary and Kathy cannot file their federal taxes jointly. Since 2004 they have paid \$19,066 more in taxes because they can't file their federal taxes as a married couple—even though they are legally married. This means they have less money for household expenses, and to put away for their boys' college funds.



“We have the same struggles and the same commitment as other families. Mary works, I stay home, we have two boys, a dog, and a cat—and frogs, fish, and a hermit crab,” says Kathy. “We work hard, pay taxes, volunteer, and do our part for our community. But the federal government still tells us we're less of a family than other families in our neighborhood—families Mary works to protect.”

“Every time a member of law enforcement dies in the line of duty, we're reminded of how vulnerable our family is.”

Andrew Sorbo

DENIED Federal Spousal Pension and Health Insurance

Colin Atterbury and Andrew Sorbo were married by two minister friends at their home in Cheshire, Connecticut, on Jan. 14, 2009. There was just one other guest, Andrew and Colin's oldest friend Francis O'Connor, who served as ring bearer. But while weddings herald the start of a long life together for most couples, their intimate ceremony was, sadly, the final chapter of Colin's and Andrew's 30-year committed relationship. Colin, 66, was gravely ill with pancreatic cancer; he passed away just four months after the wedding.

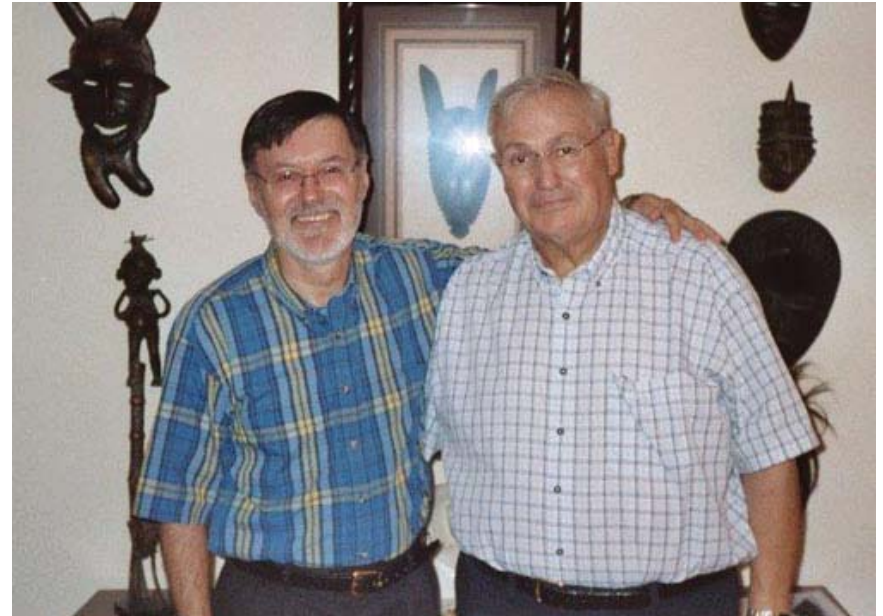
"It was very moving," Andrew tearfully recalls of the wedding. "It was a little sad, too, because we all knew that the end was coming for Colin. But it was so sweet having two of our good friends perform the ceremony."

Andrew, a retired teacher, nursed Colin through three years of grueling chemotherapy treatments that devastated Colin mentally and physically. "When the time comes for somebody you love, you don't even think, you just go on autopilot and do it," Andrew says.

The couple made the most of their time between treatments, enjoying opera festivals and travel. But Andrew and Colin, a retired VA hospital administrator and professor of medicine at Yale, also spent time organizing their finances to ensure Andrew could support himself when Colin was gone. Because DOMA would prevent Andrew from receiving Colin's federal pension and lifetime spousal health insurance coverage, they had begun saving and investing what they could. It was a wise move: after Colin's death, DOMA effectively reduced Andrew's monthly income by 80 percent. The \$8,000 he pays annually for health insurance represents a third of his \$24,000 annual pension.

Andrew is grateful that Colin's higher income allowed them to save and plan accordingly. "If he were a teacher like me, I would be in real trouble, because I basically don't get anything from my years teaching in the Catholic school, and I only get a small pension from my eighteen years in the public schools. If I were a woman I would inherit part of his \$80,000-plus annual pension. There would be no issue."

The two met by chance in New York City in 1979. Andrew, a theater enthusiast, was on a weekend visit from his home in Rhode Island to see some shows; Colin was visiting for the day from Connecticut. A friendly conversation in a theater lead to lunch at a Thai restaurant where they "talked and talked and talked," says Andrew. "There was this electricity between us." As he walked Andrew to the theater where he had a ticket



to see another show, Colin asked if he could see Andrew again after the performance. When the show ended, Andrew wondered to himself whether Colin would be waiting or whether he'd decided Andrew wasn't so interesting after all. "I walk outside and there he is," Andrew recalls.

"He's waiting for me."

Colin was an avid gardener – a passion he nurtured among fellow congregants at St. Peter's Episcopal Church in Cheshire, which he and Andrew joined in 2004 as they prepared for their civil union ceremony. Colin anonymously donated several hundred dollars worth of bulbs, which parishioners planted that fall. The colorful flowers that bloomed the following spring inspired church members to grow the garden, which now beautifies the front and back entrances of the church.

Prior to his death, Colin also arranged to bequeath funds to the church that are now being used to create a prayer and meditation garden on the church grounds in his memory. Andrew is overseeing the plans with church leaders, ensuring that Colin's love of water is reflected in the design, and that it blooms with all of his favorite flowers, especially his beloved lilies.

"Colin just loved lilies – they were his favorite, favorite flower. We have hundreds of them in the yard and I've grown to love them as well. So that's one flower that I know I want to have in there."

Suzanne & Geraldine Artis

BURDENED Higher Taxes

Suzanne and Geraldine are raising their three boys in Clinton, Connecticut. They have always put the best interests of their children first. Geraldine has coached their soccer and basketball teams, with help from Suzanne. Out of concern that they get the best possible education, Suzanne and Geraldine adjusted their work schedules so they could home school all three boys until this year, when eldest son Geras enrolled in 7th grade at a community school. They continue to home school twins Zanagee and Gezani, who are in 5th grade.

“Home schooling allowed us to basically tailor school for them and not put any grade restraints or age restraints on them,” says Geraldine, who is studying for a degree in counseling.

“We really feel we know our kids the best,” Suzanne, a school librarian, explains of their decision to home school. “And the other thing that we love about it is it builds a lot of unity in our family.”

But DOMA is undermining their family unity. The law prevents them from filing their federal taxes jointly, as other married couples can, so every year they are required to “carve up” their family on their tax forms because they can’t both claim their children as dependents. In some years Suzanne has claimed them, in others Geraldine. In some instances, Suzanne has claimed one child while Geraldine claimed the other two, and vice versa. The idea of creating a paper trail that does not honestly and accurately reflect their children’s parentage is extremely unsettling for Suzanne and Geraldine.

“If the papers say that I’m the only parent, or vice versa, I worry that if something happened to one of us, would there be any issue?” says Suzanne. “It just starts to make you doubt if they’re really going to respect the marriage in other ways when it comes to our kids. We’re covered in so many ways, but still, it just bothers me.”

On top of that, Suzanne and Geraldine are forced to pay extra taxes because of their inability to file jointly. On their 2009 taxes, they paid an extra \$1490 to the federal government and they’ll likely overpay even more on their 2010 taxes. That’s money they could be using to pay household expenses or putting into college funds.



Suzanne and Geraldine have been together for 16 years. They legally married in 2009, and were joined in a civil union ceremony before that. Geraldine and Suzanne thought the right to marry legally in their home state would complete the dream of their family, a family they built based on love, responsibility, honesty and respect. Unfortunately they were unprepared for the discriminatory impact DOMA would have on their family.

“I don’t see why our marriage certificate is not recognized,” says Geraldine, “when it is the exact same document that heterosexual couples have.”

“It just starts to make you doubt if they’re really going to respect the marriage in other ways when it comes to our kids.”

Judy Paiva & Sandy Ansell

INELIGIBLE Sponsorship of Spouse for Citizenship

May 1, 2008. Judy Paiva and her mother-in-law waited nervously in the office of U.S./Canada border crossing while Sandy, Judy's wife, was interrogated by a U.S. immigration agent. They made that trip not for a vacation or a family visit, but because the only way for Sandy to remain in the US was to pack her belongings, leave the US, and apply for a TN visa at the border.

Sandy is Canadian and has been in the U.S. since 1999 on a work visa. Though she currently has a visa and has never been out of status, the mood was tense.

The immigration agent studied all the papers Sandy gave him, checking the details, making sure the documents are originals. If he found anything missing from her application, or any inconsistencies, Sandy could have been told that she couldn't re-enter the U.S. or return to the home she and Judy share.

Thanks to DOMA section 3, Sandy and Judy's life together is marked by anxious border crossings, certification deadlines, the aggravation of constantly changing rules and regulations, and the perpetual threat of deportation.

At the border station the U.S. agent eventually cleared her application. Sandy let out a sigh of relief. Her legs were wobbly. Judy and her mother took her by each arm and walked her out to the car where she was still so shaken she couldn't drive. She handed the keys to Judy, "You'll have to drive," she said, "I'm still shaking."

Sandy and Judy met in the spring of 2003 on the ice rink in Marlborough, Massachusetts playing on a women's league hockey team. "It made perfect sense," Judy says, "given that hockey is a fairly unusual activity for adult women, that Sandy and I should fall in love on the ice."

Judy, 53, and Sandy, 46, continue to play for the same team, side-by-side with women considerably younger. "Hockey is what keeps us young," Judy says. "We play with an amazing group of women. They don't care how old we are or if we're gay or straight—they just accept us as teammates."

Sandy works as computer systems analyst for a small software company; Judy is lab/office manager for a small recycling company.



In August of 2006, Sandy and Judy were married at Harold Parker State Forest in Andover. A dear friend of theirs led the ceremony and Sandy's father read a poem he'd written for them.

Shortly after their wedding, Sandy began the green card process and the two of them moved in with Judy's mother to save money for attorney fees.

Given their bi-national status, they knew they were taking a serious risk getting married. But both were convinced that they wanted to be together no matter what.

"Judy is the most thoughtful and kindest person I know," Sandy says. "She will go out of her way to help a family member or a friend. We have a deep trust in each other and our commitment to our relationship. I consider myself the luckiest girl in the world."

"We're so compatible because we're so much alike," Judy says. "We share the same view of life, the same loyalty to our families and friends. We are both hard workers."

Judy was diagnosed with Non-Hodgkins Lymphoma in October, 2008—just months away from Sandy's visa expiration in May 2009. After only 5 years together, the bliss they shared with each other appeared to be quickly unraveling. "We really didn't know what to do," Judy says, "so much was happening at once. It was a very long winter."

After months of chemotherapy Judy had a clean scan in March of 2009—the cancer was in remission. Sandy's immigration status, however, remains a source of anxiety: she is still awaiting word on a green card, and she expects to hear any day now if her application for a new TN visa was approved.

Through all their hardships, these two women are buoyed by their love for one another and support from family, friends, and their three loyal golden retrievers.

Herbert Burtis

DENIED Social Security Spousal Survivor Benefits

Herbert Burtis and John Ferris met in 1948. Herb was 18, John was 22. They legally married in Massachusetts in 2004, after what they called their “55-year engagement.” When John died in August 2008, they had been together for 60 years.

Now 80, Herb is learning how to live a life without John. He says it’s the hardest thing he’s ever had to do—harder than living apart from John for 21 years when they had jobs in different states; harder than watching John’s health deteriorate from Parkinson’s disease for 16 years; harder, even, than caring for him in their Sandisfield, Massachusetts home during the final years of John’s life.

But the federal government has pulled away the Social Security safety net John paid into all the years he was working, and that Herb still pays into through his adjunct work as a voice teacher at Smith College.

“Just as I struggled to cope with John’s loss, I never thought I would have to fight the federal government for the legal and financial protections that I need, and that other surviving spouses can count on,” says Herb.

Herb and John met in college in Michigan, where John returned after being stationed at Ft. Riley, Kansas, at the end of World War II. Studying with the same organ teacher, they connected through their love of music. After ten years together in Michigan and New York City, their music careers took them to different states. John was appointed University Organist and Choirmaster at Harvard, where he enabled women to sing in the church for the first time in a coed choir—to that point only men had sung in the church. Herb took a job as the choirmaster and organist at a church in Red Bank, New Jersey and had an international career as a concert artist. In 1961 Herb and John bought and restored a 1780 farmhouse in Sandisfield, making it easier to spend time together each week, on holidays and school vacations.

Before he retired from Harvard in 1990, John noticed that he was having trouble playing music—his hands no longer worked as well as they always had. He was diagnosed with Parkinson’s disease in 1992, and for the next 16 years his health deteriorated. In 2005, he spent six months in a nursing home after a hospital misdiagnosis. In the spring of 2006 Herb brought John home, but by then he had to rely on a walker and assistance to get around. Eventually, he needed a wheelchair and 24-hour care.



Herb, who still lives in their Sandisfield home, is now fighting the federal government for the Social Security protections that other widowed spouses can rightly count on in their senior years.

“The extra \$700 every month from John’s Social Security would cover my gap health insurance—what I get above and beyond Medicare,” says Herb. “My medications alone are \$700 each month. It would make a big difference.”

“Just as I struggled to cope with John’s loss, I never thought I would have to fight the federal government for the legal and financial protections that I need, and that other surviving spouses can count on.”

Rebecca Rehm & Judi Burgess

BURDENED Higher Taxes

Rebecca Rehm and Judi Burgess work hard at their jobs. They have a lovely two-year-old daughter, Beau, and a cozy farmhouse with a yard and garden in a small town west of Boston. But despite all of this the federal government denies them something fundamental—recognition that they are legally married in their home state of Massachusetts.

Rebecca and Judi have been together for ten years and married for six. They are still “happily in love” but these days Beau is at the center of their world. On their daily hour-long commute into Boston with Beau they listen to music, tell stories, and read her favorite books. Beau goes to a day care near where Judi works as an Assistant General Manager for the MBTA. At lunch time, Judi will stop by the day care center and check in with Beau and her teachers. In the evening, back at home, Beau and Rebecca work together on preparing dinner while Judi sings to them from the piano in the next room.

“We’re a very ordinary family,” says Rebecca, who runs the public education program at a genetics center at Partners HealthCare. “Boring, actually. And we like that.”

But ordinary doesn’t mean that life is easy or even that the federal government treats them like other married couples. They have worries, and they are often reminded of their second-class status as a married couple.

Because the federal government does not consider them married Rebecca had to pay federal taxes on the value of the health insurance Judi received through Partners. Judi switched back to her own employer’s plan—now she pays thousands more each year for less comprehensive coverage. The family loses thousands more dollars each year because the federal government denies Judi and Rebecca the right to file their federal taxes jointly as a married couple.

“Every year we lose money that we could be using for family expenses or setting aside for Beau’s college fund,” says Rebecca. “It’s a yearly penalty and a reminder that in the eyes of the federal government we are not equal to other married couples.”



They have concerns about the future, too. Judi’s income is significantly higher than Rebecca’s, which means that when they’re older her monthly Social Security payment will be higher. Lower-earning spouses typically are eligible for half of their higher-earning spouse’s Social Security payments—but Rebecca won’t be. She also won’t be eligible for Judi’s full Social Security payment if Judi predeceases her.

For Judi all of this hits hard. “Because of DOMA we are not a family in the eyes of the federal government,” she says. “I feel like half a citizen.”

“One of the reasons we got married,” Rebecca says, “was to have the legal protection our relationship deserved and to prepare our family for the future. The federal government’s double standard for our family means we will never be as prepared as other married couples.”

“Every year we lose money that we could be using for family expenses or setting aside for Beau’s college fund.”

Bradley Kleinerman & Flint Gehre

BURDENED Higher Taxes

Brad Kleinerman and Flint Gehre each talked up their desire to have children on their first date nearly 20 years ago. So it's no surprise that they are now the proud parents of three sons: Raymond, 19, Rick, 18, and Joseph, 9. Their life in Avon, Connecticut bustles with hockey games and other sporting events, homework, violin lessons, friends, family vacations and lots of laughter.

Flint, a former police officer and teacher, is a stay-at-home dad and also manages Joseph's traveling hockey team. Brad is a human resources director at CIGNA Healthcare. They relocated from their native California—where they were registered domestic partners—to Connecticut in 2007, seeking better schools and a better quality of life for their kids.

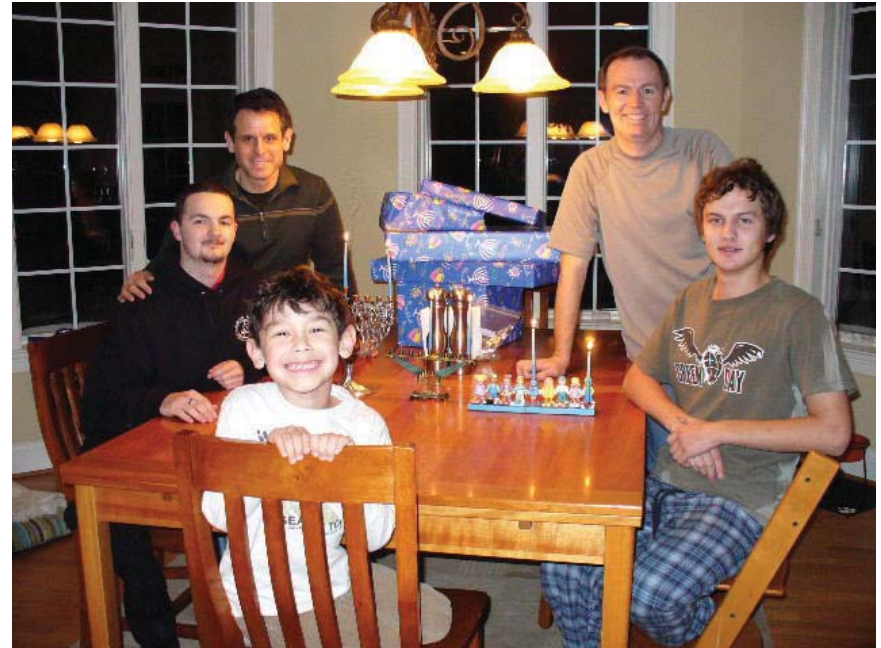
Brad and Flint adopted Ray and Rick, who are biological siblings, through Los Angeles County's foster care system when they were 6 and 5 years old. Brad and Flint didn't intend to have another child until California authorities contacted them about adopting Joseph shortly after his birth. Joseph is a biological sibling to Ray and Rick.

"I feel like our life would be so empty without children," says Flint, "watching them grow and develop, knowing the circumstances they started in, knowing where they were when we adopted them; to see them grow and mature and become more successful is very rewarding."

The move to Connecticut also enabled Brad and Flint to get legally married, which they did on March 6, 2009, their 18th anniversary. Brad and Flint originally viewed marriage as simply a way to affirm the commitment they had long ago made to one another. Afterward, they were surprised at how marriage enhanced their relationship.

"There's something that happened, a different feeling," says Brad, "a strength between us from being able to say 'we're married' and not just, 'we're life partners, and we have a certificate of domestic partnership.'"

"It was a very important step to take and a very important statement also—a statement to our children that their family counted just as much."



But because of DOMA, their family does not count as much as other families do in the eyes of the federal government. Brad and Flint cannot file their federal taxes jointly as other married couples can. They paid an extra \$1600 in federal income tax last year. They expect to continue paying more taxes as long as DOMA is on the books.

"We're just looking to be treated equally, like other married couples," says Flint. "And sixteen hundred dollars to a lot of people is significant, and it is significant to us. There are a lot of things it could do for our family." The couple easily ticks off a list of ways they would put their money to good use, from paying college tuition to buying groceries.

"We're treated differently than my co-workers because of a federal law," says Brad. "It's just not right."

"We're just looking to be treated equally, like other married couples."

Kristi Voelkerding & Donna Leria

BURDENED Higher Taxes

Kristi Voelkerding and Donna Leria will soon take in the awe-inspiring views from the edge of the Grand Canyon, a place Donna has long dreamed of visiting. If they can afford it, they also hope to vacation in Europe. Meanwhile, Donna spends her days in the garden at home in Southbridge, Massachusetts, picking strawberries and planting tomatoes. She's crafting keepsake quilts for her grandchildren, and one for Kristi, too.

"It's early retirement with a sort of big exclamation point at the end of it," says Kristi of Donna's activities since being diagnosed with early-onset Alzheimer's disease late last year.

"We're still living," Donna agrees.

Of course, it's not always easy. Kristi knows there are painful days ahead. Donna, a nurse, sometimes struggles with her forced retirement. "For me, I've always lived for working, so when there's no more working, there was the depression, and so it's been difficult for both of us," she explains. "We're working on that."

They hope her disease progresses slowly. But as health professionals who have worked with long-term care patients, Kristi, 49, and Donna, 60, are also being practical—taking care to make medical and end-of-life plans while Donna is still able to participate in the decision-making process and keeping Donna's two adult sons, who are supportive, informed about Donna's wishes. "I wanted her to feel comfortable with what we were deciding now because there may come a point when she really fights me on some of the decisions that we've made and I know I'll just have to grit my teeth and get through it because that's the way the disease goes," says Kristi, an assistive technology specialist for Easter Seals Massachusetts. "I don't want there to be any questions later on that she signed or said something that was not captured by our lawyer."

Assuming more responsibility for Donna's care has also brought Kristi face-to-face with the limitations placed on them by DOMA, which prevents the federal government from recognizing their marriage. As a result they are unable to file their federal taxes jointly, which comes at great expense to Kristi and Donna. Kristi prepares their taxes—what she calls the "yearly reminder of how much money we should be getting back on our taxes but we're not." Had they been able to file last year's return as a married couple they would have received an additional \$6,845 she says.



Because Donna is no longer able to handle her own finances, Kristi has been designated the representative payee, or the person legally authorized to accept and manage Donna's Social Security disability payments on her behalf. She notes the irony in the fact that though the federal government entrusts her to administer Donna's money while she's alive, because of DOMA, she'll have no access to her Social Security benefits when Donna passes away. "I won't have access to any spousal benefits," says Kristi, "even though I'll be the one who gets her through and keeps her out of a nursing home and spares the federal government and Medicare as much as I can."

It's an injustice Kristi describes as "an extra little stick in the heart." But she and Donna understandably don't dwell long on the negative and instead focus on their 22-year history together and the delight they still take in one another's company. "You know you don't like somebody when you come home and they're gone and you're glad to get that moment of being alone," Kristi theorizes. "But it's never been that way with us. And that's when you know that you really like somebody - when you're just glad that they're there at the end of the day."

Jerry Passaro

DENIED Surviving Spouse Pension Benefit

DENIED Social Security Death Benefit

After 13 years together, Jerry Passaro and Tommy Buckholz were married on Nov. 26, 2008, in an intimate ceremony at their home in Milford, Connecticut. They exchanged vows in front of their Christmas tree surrounded by Tommy's sister and Jerry's parents and stepparents. They had a small party and posed for pictures in front of the tree with their family members and their beloved poodle, Sachi. "It was nothing extravagant," Jerry says. "We were with the people that we loved."

It was a bittersweet celebration, to say the very least. Tommy, a former chemist at Bayer pharmaceutical, was seriously ill with lymphoma. He passed away two months after the wedding. For 18 months, Jerry cared for Tommy at home, accompanied him to chemotherapy treatments and medical appointments, and spent long days by his hospital bedside as his illness progressed.

Like any spouse facing terminal illness, Tommy sought to ensure that Jerry, who is disabled and receives a \$933 monthly Social Security check, would be taken care of after he was gone. Prior to his death, he contacted Bayer about his pension, and received assurances that Jerry would be the beneficiary. A month after Tommy's funeral, Jerry contacted Bayer's benefits administrator about the pension, which amounts to more than \$500 a month. A customer service agent confirmed Jerry could receive the pension. Jerry submitted the required paperwork, but a month passed with no response. He called the benefits administrator again and was told that he couldn't receive the benefit because he was not in a legal marriage. Bayer's pension plan is subject to federal laws, including DOMA, which means Jerry and Tommy's marriage didn't exist as far as the federal pension laws are concerned.

Jerry was completely blindsided. "We were treated with respect when we went to the Town Hall of Milford to apply for the marriage license and set things up with the justice of the peace and all that, so to have someone say that I was not legally married—I didn't even know that they could say such a thing," he recalls.

The Social Security administration is similarly bound by DOMA, thus Jerry cannot receive the death benefit normally available to surviving spouses.



Jerry still lives in their small house, which Tommy bought before he and Jerry met. But without the pension, he has difficulty paying property taxes and meeting other expenses.

Jerry, a former hairstylist, met Tommy in the mid-90s, when they both worked out at the same gym. They struck up a friendship and began dating. Tommy was a football fan and an avid outdoorsman who introduced Jerry to the joys of gardening, hiking and stargazing. Jerry, who has volunteered his talents as a flutist and piccolo player in the Milford Concert Band for nearly 15 years, was more of an indoor guy. "It took some time for us to iron out some of the Oscar and Felix Unger-type things," he says of their relationship. But they shared a love of cooking and regularly prepared elaborate Sunday dinners that they served to friends and family. Jerry keeps contact with Erin, Tommy's teenage daughter from a previous relationship, who lives in California.

"It was a wonderful experience, and I loved it," Jerry says of his life with Tommy. "And I loved him."

Paul Ruseau & Bob Ruseau

TAXED On Spousal Health Insurance

Paul Ruseau sits in his Medford, Massachusetts living room with his two-year-old daughter on his lap. He worries about how he and his husband, Bob, will be able to save for their children's college educations. Or even before college, how will they afford to add another room so the kids can have separate bedrooms?

For Paul and Bob these worries are compounded by the federal government's discrimination against their marriage. Because of DOMA, they lose thousands of dollars each year in extra taxes—money that could fund college savings accounts or help fix up the house.

“The bottom line is that because of DOMA we are less prepared than other married couples to navigate the financial challenges of raising a family,” says Paul. “If we were an opposite-sex couple we could give our kids so much more.”

Paul, 38, and Bob, 46, met in 2005—a year after marriage became a reality for same-sex couples in Massachusetts. The chemistry between them was perfect; they agreed on everything, including the desire to raise children. A year-and-a-half after they met, they exchanged vows in front of over 80 of their friends and family. They combined their last names to create a new name that they would share and that later they would both share with their children.

They gave themselves a year together before deciding to adopt. Then, another year later, in 2008, their family doubled in size when the Massachusetts foster care system matched them with Matthew (now 3) and Nev. In November of 2009 the adoption of Matthew Ruseau and Nev Ruseau became official.

“We began parenting like most families - by jumping in the deep end of the pool,” says Bob. “We wanted to have a stay-at-home parent, so the day that we got the call that we were matched with Matthew and Nev, I made the choice to leave my job. Having a parent at home makes the kids feel stable and secure, but it has been a big financial challenge to lose my income.”

They also lose money because of DOMA. Bob is covered under Paul's insurance plan at work, but because the federal government doesn't consider them to be “a family” Paul has to pay taxes on the amount his employer pays for Bob's insurance.



“This costs us thousands of dollars a year that other married couples don't have to pay,” says Paul. “That's money we could be saving for our kids' future or for household expenses.”

Paul also worries that since he is the only wage earner, if he were to die unexpectedly, Bob would not receive Social Security survivor benefits. To compensate for this, the family pays for extra life insurance for Paul—yet more money they wouldn't have to spend if the federal government recognized Paul and Bob's marriage.

“The bottom line is that because of DOMA we are less prepared than other married couples to navigate the financial challenges of raising a family.”

Dean Hara

DENIED Federal Surviving Spouse Pension Benefit

Dean met U.S. Representative Gerry E. Studds, the first openly gay member of Congress, through mutual friends in the early 1980s. They crossed paths in their Washington, DC neighborhood over the next 10 years, and began dating in January 1991. Less than nine months later Dean accepted when Gerry proposed a lifetime commitment and they exchanged rings.

Over the next five years Dean and Gerry as a couple attended congressional, public and political events in Washington and around the country. Dean wore the congressional spousal pin and in 1995 was given a congressional photo identification card as Gerry's spouse.

Gerry decided not to run for re-election in 1996, and retired from public service after 24 years in Congress. He and Dean moved to Massachusetts with their new dog, Bonnie, and built a quiet life together with family and friends. They legally married in May 2004, one week after Massachusetts ended marriage discrimination.

On October 3, 2006 Gerry took Bonnie out for her morning walk. He collapsed from a blood clot in his lung and was rushed to the hospital. His health improved at first, but 10 days later his condition suddenly got worse, and he died in the early morning hours of October 14, 2006.

"Gerry and I spent 16 wonderful years together and I miss him," says Dean. "I remember when he spoke on the floor of the U.S. House of Representatives during the debate about DOMA as I watched from the visitor's gallery in July 1996. Back then, we didn't know that we would ever be able to legally marry. Now that Gerry is gone, I'm always reminded that DOMA denies fair and equal treatment."

Dean, now 53, works as a financial advisor and continues to live in Boston with Bonnie. Since Gerry's death Dean has sought to be treated the same as other surviving spouses of retired federal employees.

"Gerry was a public servant for 27 years, worked hard for our country, and paid as much into the system as anyone else," he says. "But after he died, I was treated differently than other surviving spouses. Every federal employee counts on their surviving spouses having basic protections, but the federal government denies me those protections because of DOMA."



“Gerry and I spent 16 wonderful years together and I miss him. I remember when he spoke on the floor of the House during the debate about DOMA. Now that Gerry is gone, I’m always reminded that DOMA denies fair and equal treatment.”

Brian Khoo & David Colton

INELIGIBLE Sponsorship of Spouse for Citizenship

David Colton saw Brian Khoo walk into the Spyker bar in Amsterdam on April 28, 1997 and was instantly smitten.

Brian, however, experienced something a little different. “Personally, I didn’t see him, but I was a little self-conscious because I was the only Asian in the bar,” he recalls, laughing. He made a beeline for the bar and ordered a Heineken. “I don’t like attention.”

Brian, who lived in Malaysia, was a flight attendant with Singapore Airlines taking in Amsterdam’s nightlife during an extended layover; David, a Bostonian, was vacationing. They eventually struck up a conversation in the bar. By night’s end, Brian was just as smitten as David.

Three months and more than \$1,200 in phone bills later, Brian came to the U.S. on a student visa to study interior design at Newbury College. He also took a job at a library and settled into a life with David. After graduating, Brian, now 39, landed a job with Kent Duckham Architects. David, 52, who has spent more than 20 years working in municipal government, is now the town administrator in Easton, Massachusetts. They married in April 2008, a black-tie affair attended by Colton’s two daughters from a previous marriage, other family members, friends and co-workers. After 11 years together, says Brian, being able to introduce David as his husband gave him an “otherworldly” feeling.

It sounds like the stereotypical fairy-tale romance, but the reality is more complicated. Under DOMA, the federal government does not recognize David and Brian’s relationship so David can’t sponsor Brian for a marriage-based “green card” that would give Brian permanent resident status, as heterosexual bi-national couples routinely do. Instead, Brian has an H-1b employment visa through his current employer CBT Architects, which means he could face deportation if his company folds or he otherwise loses his job. He is required to re-apply for the work visa every three years, a process the couple says has cost them a total of \$30,000.

Even though Brian lives and works here legally, without a green card there are no guarantees he’ll be treated fairly. The couple learned this the hard way in August 2002, when Brian returned home to Malaysia to be the best man at his friend’s wedding. David joined Brian in his native country after the wedding and the two spent a month together visiting Brian’s family. But when they tried to return to the U.S., they say that Brian’s visa was inexplicably withheld and David was forced to leave him behind

in Malaysia. “When I couldn’t help Brian I felt powerless,” says David, who, eight years later still gets emotional when discussing the forced separation.

There would be a half-year of legal wrangling, wondering and worry before Brian was allowed to return to the U.S. David and Brian say they never received an explanation from the federal government as to why Brian was prevented from returning home for so long. Brian recalls his six-month limbo as “a black hole.” He says, “It doesn’t seem like anything happened. [It was] like time stood still.”

The one thing that did happen is that Brian’s employer generously held his job for him for the entire six months he was away, a fortunate occurrence given his immigration status.

But while David and Brian were ultimately reunited, they no longer travel outside of the country; Brian has not visited his family in Malaysia since that trip in 2002. “Our lawyer has advised us that he must be on some kind of list and he’s likely to have this problem every time he leaves the country, even though technically we’re free to travel,” says David. While Brian’s mother has visited him on U.S. soil, she is increasingly less able to withstand the 24-hour trip from Malaysia due to health problems and her advancing age.

“If we were a straight couple we wouldn’t have had that problem,” David points out. “Brian would have a green card, he would be a permanent resident, he’d be married to an American citizen and we’d enjoy all of the freedom you’re supposed to get when you’re an American.”

“It’s almost like my time back in Malaysia now – but in reverse,” Brian points out. “Now I’m here and not able to go home.” He adds, “I wouldn’t be able to go through this without David. I absolutely couldn’t. I can’t even think about life without him in it.

“But there’s nothing I can do, really,” he adds. “I think I’ve done all I could do but just wait it out. I feel for a lot of people who have this situation.”



Jerry Savoy & John Weiss

DENIED Federal Spousal Health Insurance Coverage

In 2008, after 10 years together, Jerry Savoy and John Weiss abandoned the bustle of New York City for the quieter surroundings of Danbury, Connecticut because they wanted to raise a family. In Danbury, they found a spacious home with a large backyard, great schools, and a supportive faith community just down the street.

Both come from large, loving families—John has four siblings; Jerry three. “We both had strong family environments,” says John. “We spent a lot of time with our families growing up.” When they began the adoption process through Connecticut’s foster care system, a big family was all that made sense, so they requested a sibling group join their family.

In August 2009, their three children –Ashley, now 11, Melissa, now 10, and Dante, now 2 – moved in with them on a permanent basis. When the adoptions were finalized in December 2010, the family celebrated the occasion quietly. “We’d already been a family for a year and a half,” Jerry explains. “But it’s nice that the legality of it is done and we celebrated it with the children so that they understand that this is a momentous event in their life.”

Jerry, 47, has worked as an attorney at the Office of the Comptroller of the Currency (OCC), the federal agency that charters, regulates, and supervises national banks, since 1992. John, 41, an interior designer, set aside his career to be a stay-at-home parent.

They met in 1998 through a mutual friend when both lived in Washington, D.C. “We clicked,” says Jerry. “It worked. We have a lot in common and at the same time we’re very different. I like to say that we complement each other in those areas where we’re most deficient ourselves. We don’t always see eye to eye on everything, but when we don’t it’s oftentimes for our own amusement.”

Aside from being new parents, Jerry and John are also newlyweds. In October 2010, with just their children by their sides, they married in a ceremony at First Congregational Church, where the family attends services and participates in the congregation’s charity work.

Jerry says their wedding was “an opportunity to reinforce to the children that we are a family.” They surprised their daughters Ashley and Melissa with new dresses and flower bouquets and presented them with heart-shaped lockets during the ceremony. “We told them that was a symbol of our commitment to them, that this was something that we were doing as a family,” Jerry says. “The girls wear the lockets every day.” Dante wore a new suit and tie with a boutonniere that matched his dad’s. John compiled

a wedding photo album and gave it to the girls. “They look at it a lot.”

Jerry and John relish creating family memories and sharing new experiences with their children. “The greatest joy is when you can see how much they appreciate something that they’ve never experienced,” says Jerry. “Going to New York City or going to Maine, or something as simple as eating something they’ve never eaten before that they decide, you know, maybe it’s pretty good.”



Unfortunately, Jerry and John are hurt by the federal government’s refusal to recognize their marriage under DOMA. As a federal employee, Jerry is unable to cover John, who was recently diagnosed with type 2 diabetes, on his family health insurance plan. Instead, they must buy individual coverage for John that costs \$440.00 per month.

OCC partially subsidizes the cost of John’s health insurance because the agency is not appropriated by Congress, and therefore, even though the OCC is governed by DOMA, it can set some of its own benefits policies. Under OCC’s domestic partnership policy, the agency reimburses up to 72 percent of John’s health insurance premium up to a maximum of \$345 per month, which equals about \$180 a month. So at the same time that the federal government refuses to allow John to get health insurance coverage under Jerry’s family plan, it is subsidizing his coverage at a greater cost to itself. As Jerry points out, “the federal government is paying for insurance for a self and family plan for me and the kids and is paying towards John’s health insurance separately because of the fact that they reimburse that amount. So the design behind DOMA is that the federal government doesn’t recognize John as my spouse, but the absurd result is that they are in fact paying for John’s health insurance twice.”

Despite that, Jerry and John still pay roughly \$3,120 out of pocket annually for John’s insurance. “We have three kids that we have to raise,” says Jerry. “We live paycheck to paycheck just like everybody else. We are a family just like the person across the street that’s entitled to put their spouse on their health insurance. Why can’t we do that?”

Dick Rubinstein

DENIED Social Security Spousal Survivor Benefits

Soon there will be a new park bench overlooking the northeast corner of Spy Pond in Arlington, Massachusetts. The plaque on the bench will read:

Eric W. Kurtz 1936-2009

“Perhaps the truth depends on a walk around the lake.”

-Wallace Stevens

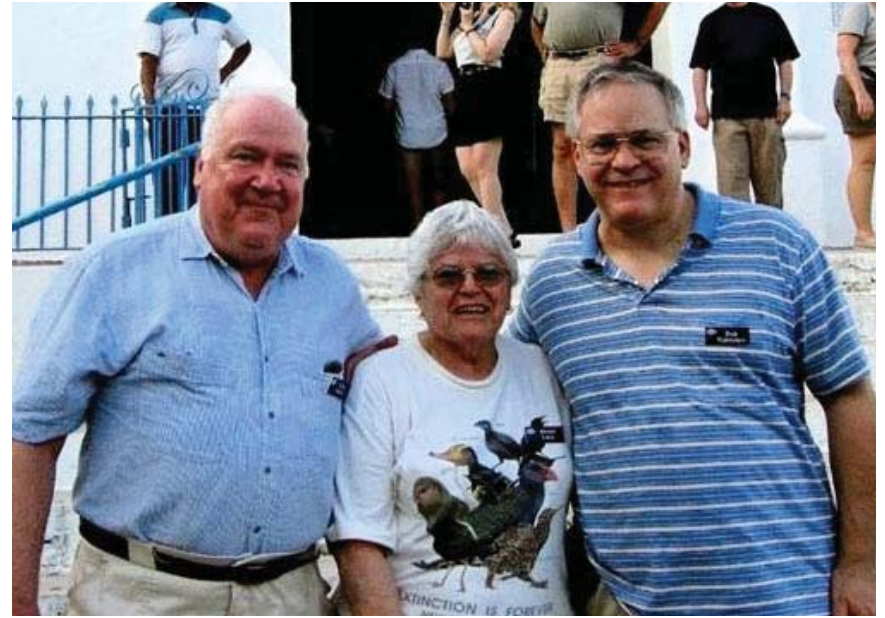
With the help of over 90 of their friends, Dick Rubinstein (pictured, right, with his mother and his late husband, Eric) was able to purchase the bench to commemorate his husband Eric’s life and his particular appreciation for the beauty that is Spy Pond.

Walking around Spy Pond was one of Eric’s rituals. That, and playing viola in a local amateur string quartet going on 37 years, swimming laps 4 times a week at the Arlington Boy’s and Girl’s club, and traveling with Dick and Allison, Dick’s mother, to exotic places like the Galapagos Islands and the pyramids of Mexico.

Dick and Eric met in 1997 at the Boston Gay and Bisexual Married Men’s Support Group. Each had a wife and children, each knew there was something missing in his life, but had waited until his kids had grown to face the truth about his sexual orientation. Eric was 61—from Oberlin, Ohio, and a former Wellesley English professor with a PhD in English from Yale. Dick was 50—a Southern Californian with a PhD from University of California, Irvine. They clicked right away—brainy, into the arts and sciences, and passionate about living their life together to the fullest.

The couple moved to Arlington, immersed themselves in the community and made lasting friends with folks on the block. In 2004, following the *Goodridge* decision, it was their neighbors who nudged them to get married. “I hadn’t realized how important the Supreme Judicial Court’s decision was until we got married,” Dick says. “It really changes how the world sees you. We felt truly accepted.”

On February 13, 2009, Eric died at home unexpectedly, following routine colon surgery. Just over a year later, Dick is still dealing with the loss. “Some days are better than others. It’s unpredictable,” he says. “I keep very busy.” Since retiring, Dick has volunteered for the Arlington Friends of Drama Theater as a sound and lighting designer.



Six months after Eric’s death, Dick called GLAD’s InfoLine. A usually calm, easy-going person, this day he was angry. Although he knew he’d be denied, he’d applied for Social Security survivor and spousal benefits anyway. When the denial letter arrived, though he wasn’t surprised by the decision, he was surprised at his emotional reaction. “It’s different, knowing something on an abstract level and then having it happen to you.” Living on a fixed income, Dick would certainly benefit from the bigger monthly check he’d receive if his marriage to Eric were taken into account – but it wasn’t the money. It was the principle. “It was an insult,” he says. “Here I am—grieving the loss of my spouse and then the government says our marriage doesn’t count.”

The InfoLine provided Dick with a listening ear and information about how exactly DOMA affects his Social Security benefits. But there was nothing GLAD could tell him that would make the Social Security Administration treat him the same as his married heterosexual neighbors.

For so many widowers and widows, DOMA adds insult to injury at a time when one is most in need of comforting and support. Yet Dick is fortunate—he’s in regular psychotherapy, has the genuine support of friends and family, and soon will be able to sit on Eric’s bench—watching the Canada geese swimming on Spy Pond and reliving the warmth he and Eric shared together.

Janet Geller & Joanne Marquis

DENIED Retiree Health Insurance Benefit

Jan and Jo are both retired teachers living on fixed incomes. Jan taught for 30 years at the high school and college level. Jo spent 43 years teaching middle and high school students.

“I just loved it. I always wanted to be a teacher,” says Jo, who spent most of her career in the Manchester, New Hampshire public schools. “I never wanted to be anything else.”

The one thing Jan and Jo have loved more than teaching is each other. They’ve been together for 32 years, supporting each other through Jo’s bout with breast cancer and Lyme disease, Jan’s recovery from alcoholism, the deaths of parents, and job losses. On May 3, 2010 they exchanged vows in their Goffstown home, in a ceremony officiated by Town Clerk and justice of the peace Cathy Ball, who Jan had taught and mentored as a teenager.

The validation they felt from being legally married was more meaningful to them than they originally thought it would be. “In our minds we’ve always been married and we’ve always known it was going to be for a lifetime,” Jan explains. “There was no doubt in our brains. Where we did feel differently was—wow, finally the state of New Hampshire is validating who we are.”

Because of DOMA Section 3, however, the marriage licensed by New Hampshire meant nothing when Jo tried to sign Jan up for a spousal medical benefit through her retirement plan. Because Jo paid into the New Hampshire Retirement System for more than 30 years, she receives a significant reduction on her monthly Medicare supplement; spouses are also eligible to receive this benefit. But this aspect of the New Hampshire Retirement System is governed by federal tax laws, including DOMA. Because of DOMA, Jan is denied this health insurance benefit, and pays an extra \$375 in health insurance costs per month that she would not pay if their New Hampshire marriage were recognized for federal purposes as well. That’s a significant amount of money for two retired teachers trying to live within their means.

Equally significant was the shock Jan and Jo felt upon learning Jan would be denied the reduction from an apologetic benefits manager at the Manchester School District. They believed the longtime discrimination against their relationship finally ended when they said “I do.”



“We thought, we finally got marriage in New Hampshire and this is one of the benefits we’re going to have now that heterosexual couples do,” says Jan. “So at first we were shocked, then deeply disappointed, not only about the money, but about feeling once again like we don’t count.”

“In our minds we’ve always been married and we’ve always known it was going to be for a lifetime.”

Joanne Pedersen & Ann Meitzen

DENIED Federal Spousal Health Insurance Coverage

Toward the end of their first date in December 1998, Joanne asked Ann if she'd like to go out again sometime. "Well, sure," Ann replied. "How about tomorrow?" A few months later, Joanne invited Ann to stay with her while Ann recovered from laparoscopic knee surgery, and she never moved out. They bought a house together in Waterford, Connecticut soon after.

Joanne held a civilian position with the U.S. Department of the Navy for 30 years, the last 12 as a Special Security Officer for the Office of Naval Intelligence. After undergoing breast cancer treatment, Joanne made the decision to retire when eligible at age 55. Ann is a regional supervisor at a not-for-profit agency that provides care management services and home care assistance for elders and disabled adults. She was treated like any other spouse by Joanne's military colleagues, attending Navy Day balls, picnics and accompanying Joanne to professional conferences. For years, Ann and Joanne coordinated the delivery of handmade slipper-socks—many of which they knitted—to sailors working on frigid submarines.

Their relationship is built on unconditional love, commitment and shared values—working hard, financial responsibility, the importance of sharing life with friends and family. In 2004 they held a commitment ceremony in their backyard with 120 friends and family members. After Connecticut enacted its civil union law they had a small ceremony at their Town Hall. But their ability to legally marry, which they did on their 10th anniversary in 2008, gave their relationship an instant legitimacy that they cherish.

"For me marriage was wonderful," says Joanne. "It meant a lot. I wanted to feel like everybody else did when they got married—to love somebody, but I wanted to be recognized."

"We wanted to have the same thing that everyone had," says Ann.

Together with Joanne's siblings, they cared for Joanne's mother after she had open heart surgery in 1999 until her death in 2000. When Joanne's father fell ill not long after losing his wife, they all cared for him, too. Ann prepared Sunday dinners and they passed time with him playing cribbage. He died after a massive stroke, while Ann and Joanne—who was then recovering from breast cancer—were planning their commitment ceremony. They decided to go ahead with the ceremony anyway. "Life is too precious," Joanne explains. "You can't put off 'til tomorrow because you don't know what tomorrow will bring. If my dad was there he would have been cheering us on."

Having learned that life lesson, Joanne worries about Ann's chronic medical conditions—hypersensitivity pneumonitis and asthmatic



bronchitis—which cause her breathing difficulties and severe fatigue. In 2008, a flare-up caused Ann, 60, to miss four months of work with recurrent bouts of pneumonia; she was out for about three weeks in the first half of 2009. After she recovered, she worked from home for two months. Ann manages her conditions daily with a nebulizer and prescription medications, but the stress of full-time work aggravates her illness.

"I love what I do," Ann says, "but the work isn't always good for me."

Retiring or working part-time would benefit Ann's health, but she needs health insurance. As a federal retiree, Joanne can't cover Ann on her health insurance plan—as other federal employees and retirees can—because of DOMA. They also can't afford the \$1000 per month it would cost to insure Ann out-of-pocket—compared with the \$400 they would pay and could afford if Joanne could cover Ann. In short, Ann must continue working to keep her health insurance coverage.

For a couple that has taken great pains to publicly declare and demonstrate their commitment, the federal government's refusal to recognize their marriage—at the expense of Ann's health—distresses them.

"We did not decide to get married out of the blue," says Joanne. "We thought about it. We've been together—it's going on 12 years. "And I worked in federal service for over 30 years. Why shouldn't I be able to provide for Ann just like all of my other married colleagues?"

Marlin Nabors & Jonathan Knight

BURDENED Higher Taxes

Jonathan and Marlin first met at a coffee shop in Indianapolis four years ago. From the beginning, they balanced each other out. Marlin is from Flint, Michigan, and worked at a college in the city; Jonathan is from rural Indiana and worked at an organic dairy farm. Marlin, 32, was fascinated by Jonathan's quiet intellect; Jonathan, 30, thought Marlin was sophisticated and outgoing.

Six months later, a college in Boston offered Marlin a job in student housing. He and Jonathan decided to take the plunge, and moved to Boston in 2005. Jonathan found a job in financial administration at Harvard. They married in 2006, and bought their first home in Hyde Park in 2008.

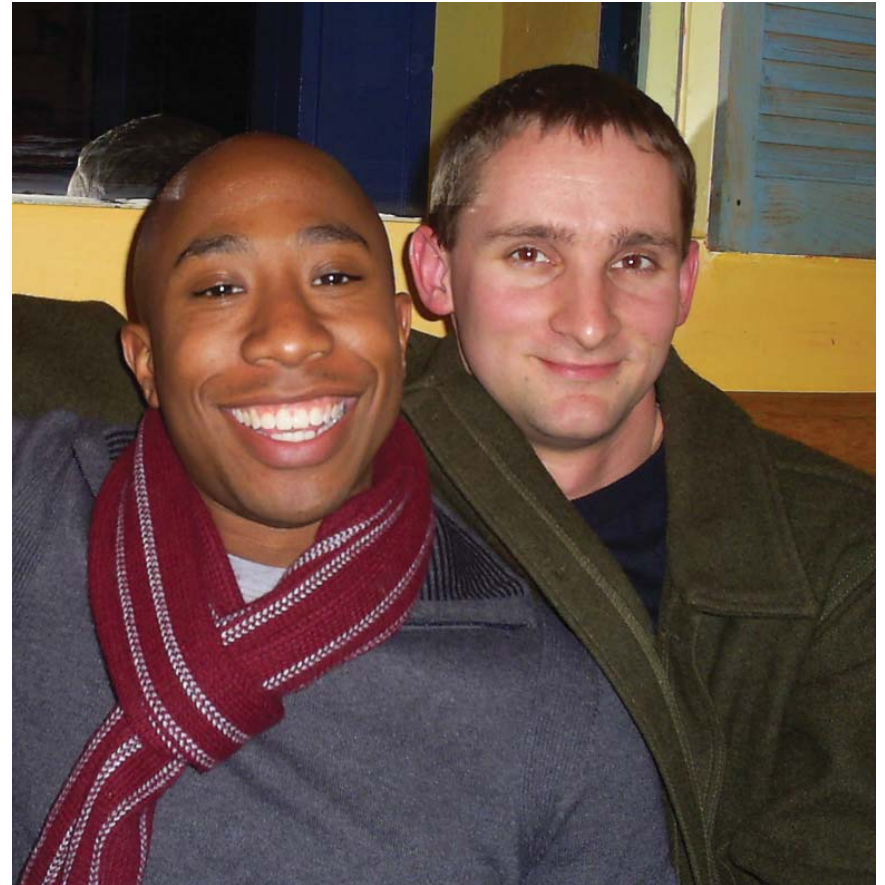
But the federal government penalizes them for their marriage by making them file separate taxes and pay more than other couples. Every year they lose thousands of dollars because they are not able to file jointly.

“For us, as a married couple just starting out, it's a lot of money,” says Jonathan. “We just bought our first home and are working to fix it up. I do a lot of the work myself, and my dad even came from Ohio to help me install new appliances. But every penny counts.”

They have a solid foundation for their future together: the support of their families, friends, and community; good jobs; and a new home for the dog and children they're talking about for their future.

“We want to plan for a future in which we aren't discriminated against just for being a married couple,” says Marlin. “We think our country can do better than having a system of first- and second-class marriages.”

As they grow in their careers Jonathan and Marlin know that their finances will change. They know they could pay more in taxes if their marriage were treated equally by the federal government. It's a price they're willing to pay—for equality and for the safety net the federal government provides for spouses.



“We think our country can do better than having a system of first- and second-class marriages.”

About Gay & Lesbian Advocates & Defenders

Gay & Lesbian Advocates & Defenders (GLAD) is the leading legal rights organization in New England dedicated to ending discrimination based on sexual orientation, HIV status and gender identity and expression. Through impact litigation, education, public policy work and the operation of a legal information hotline (800-455-GLAD; www.glad.org/rights) GLAD seeks to create a better world that respects and celebrates diversity, and in which there is equal justice under law for all.

GLAD 's successful lawsuits *Goodridge v. Department of Public Health* (2003) and *Kerrigan v. Department of Public Health* (2008) made it possible for same-sex couples to marry in Massachusetts and Connecticut respectively.

GLAD is currently challenging the constitutionality of Section 3 of the federal Defense of Marriage Act (DOMA) in two cases, *Gill v. Office of Personnel Management* - currently on appeal in the First Circuit - and *Pedersen v. Office of Personnel Management* in the Second Circuit.

**To read more stories of how DOMA affects same-sex
married couples and families visit
www.glad.org/doma/stories**