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## In California, gay and lesbian couples now legally say, 'I do'

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The Kansas City Star

Today in San Francisco, David Greenbaum will marry Mike Silverman, the man he loves and committed himself to in a Jewish wedding ceremony eight years ago.

The license from the state of California will declare the two Lawrence men legally wed.

And Greenbaum will, finally, move his wedding ring from his right hand to his left.

"I didn't have an equal marriage, so why wear it on the same hand that everyone else wears theirs?" Greenbaum, 37, said in an interview during the weekend, before he traveled to California. "Now I'm going to start wearing it on my left hand because, at least in California, I will have a marriage equal to everyone else's."

A California Supreme Court decision last month said denying gay and lesbian couples the right to marry each other in a civil ceremony violated the state constitution.

The ruling made California one of just two states, along with Massachusetts, that grant the same government recognition, rights and responsibilities to same-sex couples as opposite-sex couples.

Massachusetts requires that if the couple are not residents, their home state must have no restrictions against same-sex marriage. California has no such requirement, so thousands of gay and lesbian couples from across the country, including Missouri and Kansas, are expected to head west during the next several months to say "I do."

But Greenbaum and Silverman's California nuptials won't be recognized in Kansas, where voters in 2005 decided to prohibit same-sex marriage in the state constitution.

California's move has gay rights advocates cheering, and same-sex marriage opponents jeering.

"Today is a sad day, when people in black robes circumvent the will of millions of California citizens who want traditional marriage in their state," said Vicky Hartzler, a former Missouri state representative who helped lead the effort in 2004 to get same-sex marriage banned in the Missouri constitution. In both states, about 70 percent of voters approved the constitutional amendment.

But to A.J. Bockelman, executive director of Promo, Missouri's gay rights group, California's decision "does give people a lot of hope."

The celebrations in the gay community, though, are tempered by knowledge that Californians could vote in November to undo the Supreme Court decision, meaning another step backward for a marriage equality movement that has experienced many setbacks over the past two decades.

Gay-rights activists also worry that the California Supreme Court decision could spur even more anti-gay legislation in other states and more backing for a proposal to amend the U.S. Constitution to prohibit same-sex marriages.

After all, it was a state-level court ruling siding with same-sex couples that prompted the national move to constitutional amendments banning same-sex marriages.

In 1993, Hawaii's Supreme Court ruled that the state's failure to recognize gay marriages amounted to gender discrimination. Lawmakers in other states feared gay couples would fly to Hawaii, get married and return home expecting their home states to recognize their unions. So other states began banning gay marriages by statute or by amendments to their constitutions.

And Congress passed the Defense of Marriage Act, which denies federal recognition of same-sex marriages and

allows states to ignore same-sex unions legally recognized elsewhere.

"I was thrilled" at California's decision, said Donna Simon, a Lutheran pastor who conducts blessing ceremonies for same-sex couples in her North Kansas City church.

"The disappointing thing is that I got e-mails and calls coming from gay-rights organizations saying we've got marriage equality, but in the next paragraph, saying you need to send us money because already (opponents are) organizing against this decision. It kind of takes the wind out of your sails a little bit, to know there are people so hell-bent on making sure people who love each other can't get married."

On the other side, Hartzler said she would like to see more support build for a federal constitutional amendment limiting marriage to a man and a woman.

"We have been expressing our desire to protect traditional marriage in this country with our federally elected officials, and they have been reticent to act on it," said Hartzler, of Harrisonville. "Now I think they're going to wish they would have listened to their constituents."

She believes God established a system thousands of years ago that put a man and woman together as a basic family unit for the good of children, so civil authorities should not grant marriage licenses to a man who loves a man or a woman who loves a woman.

"It has stood the test of time, and I don't think we need to throw it out now for an untested social experiment that could have a devastating impact upon our children and future generations," she said.

But to Greenbaum and Silverman, 35, their marriage set for 9 a.m. today in California is no "social experiment."

The men, who both work in computers, have been together for more than 12 years. They see themselves as just a regular couple who go out to work every day, enjoy watching TV with their dog and love following the Chiefs, the Royals and the Jayhawks.

They say they want the same legal bond underlying their relationship that other couples enjoy. They really wish their marriage would be recognized in Kansas and nationally, so that they could have the same legal protections. Like having their Social Security benefits go to their surviving spouse, rather than disappearing unclaimed into the federal bureaucracy. Like being able to decide where their spouse will be buried. Like having an automatic right to visit each other in the hospital and make medical decisions for their spouse.

"We hope some day in the future that all states, including Kansas, will treat loving couples like ourselves equally," Silverman said. "We don't know when that day will come, but we think that by living openly and being publicly committed to each other, that eventually the people of all the states will come around to accepting and treating everyone equally."

#### **Q&A**

**Q:** Will a California marriage of a same-sex couple be recognized in Missouri or Kansas?

**A:** No. Both the Missouri and Kansas constitutions say that to be recognized, a marriage must be between a man and a woman.

**Q:** Will the federal government recognize the California same-sex marriages?

**A:** No.

**Q:** If a couple get married, and California voters approve a ballot initiative in November banning same-sex marriage, will their marriage still be valid?

**A:** Lambda Legal, a national legal organization working for civil rights for gay, lesbian, bisexual and transgender people, believes the marriages still will be valid because initiatives usually are not retroactive and that initiative does not say it would be retroactive. But the issue may have to be decided in the courts.

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