

sunday

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morris

Life

Living gay in a liberal state



Same-sex partners face many challenges, even in New Jersey

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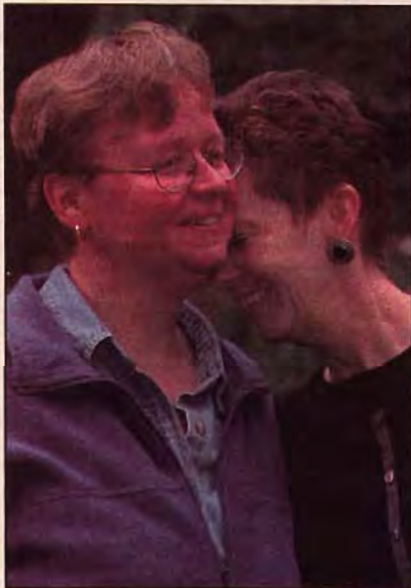
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Gay, proud and loving

Despite New Jersey's more liberal approach to same-sex partnerships, legally things are still very challenging



MIKE BUSCHER / DAILY RECORD

Nancy Seus, left, and Suzanne Wilcox of Boonton both talk about the lack of good role models or positive images of homosexuality in their youth and how the level of awareness is higher these days. There are still legal, financial and social challenges.

"I have always felt that people who know me can't say they don't know anybody who's gay. If they hear something in the news about a study or a discrimination law, they can say to themselves they know somebody that would affect."

— Nancy Seus, 43, of Boonton

BY LORRAINE ASH
DAILY RECORD

Suzanne Wilcox was a college student in Florida in 1968 when she saw "The Fox," a movie about two lesbians who live in the Canadian woods.

"It was based on a D.H. Lawrence novella and starred Sandy Dennis, Anne Heywood and Keir Dullea," she says. "This man shows up and makes a big play for Heywood. Finally, all the sexual tension is resolved when a tree falls on Sandy Dennis and kills her: Here I am, 19 years old, and thinking, 'Oh, great, if you're a dyke, a tree falls on you and kills you.'"

She sips hot tea in the kitchen of her Boonton home and looks at Nancy Seus, the woman with whom she's civilly united.

"In the absence of any other images, you hold on to what few images there are," she adds.

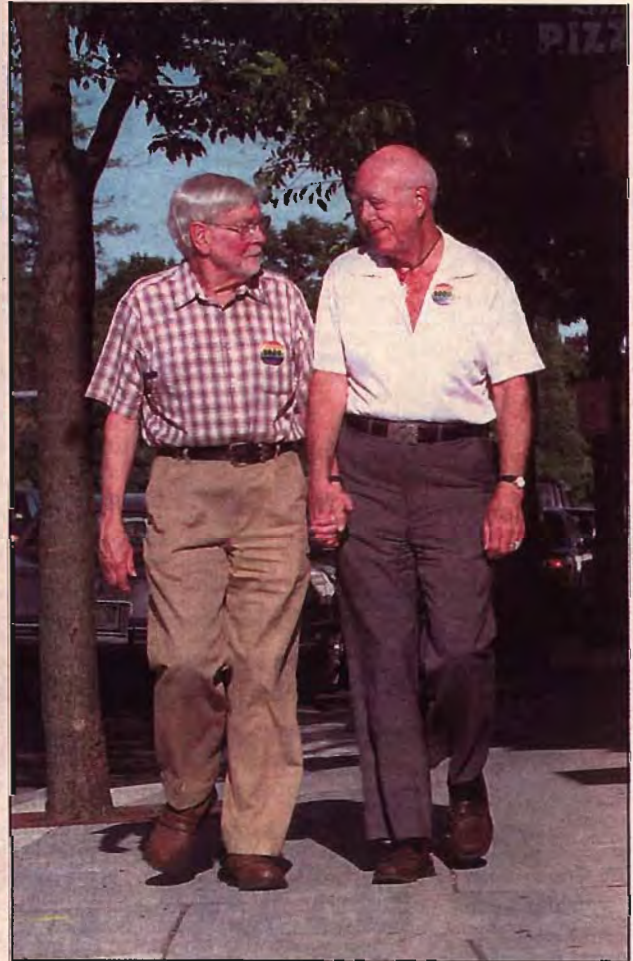
Seus, 43, says she was trying to catch the traffic on radio station 101.5 on her way home from work when she heard talk about how difficult it is for a kid to be gay today.

"When I was growing up, and more so when Suzanne was, the words homosexual, gay and lesbian were not in the paper," she says. "You had to go to the library to the tiny homosexuality shelf and find the one or two novels there, like 'The Well of Loneliness' by Radclyffe Hall. They were depressing."

Now, she says, every major paper has some news on homosexual issues every day. Now people aren't surprised there are gays in the world. They're surprised to hear that gays can't get married even though the term "gay marriage" is loosely, and inaccurately, banded about.

The level of awareness is higher, she says.

While it's easier to be gay or lesbian in New Jersey, where laws are more liberal than in most states, those in homosexual partnerships here still face challenges, from financial to social. The Daily



DAWN BENKO / DAILY RECORD

Ken Munson, left, of Nyack, N.Y., and his partner Bill Cox, formerly of Morristown, walk hand-in-hand down Morris Street. The two men are active members of the Gay Activist Alliance in Morris County and its speakers' bureau.

Record looks at those challenges as the state and nation celebrate Gay Pride Month, declared by President Bill Clinton in 2000.

This year gay issues came to the fore as the country focused on a lawsuit challenging Florida's ban on gay adoption. Included in the suit, brought by the American Civil Liberties Union, are Steven Lofton and Roger Croteau, foster parents to three children whom state laws forbid them from adopting.

Comedienne Rosie O'Donnell,

who also lives in Florida, publicly came out as a lesbian to draw attention to the Lofton-Croteau case. The celebrity's announcement has people nationwide learning or thinking about how their states treat gays and their families.

There are 16,604 households with same-sex unmarried partners in New Jersey, according to the 2000 Census. Of those, 849 are in Morris County.

Gay

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Whether that number is accurate is an essential question. The Kinsey Report, the landmark human sexual behavior study by Alfred Kinsey first published in 1948, estimates 10 percent of the population is homosexual, according to John Campbell of Edison, co-founder of Gay and Lesbian Political Action & Support Groups in New Jersey and an active proponent for same-sex marriage in New Jersey.

"If there were freedom, you would probably find about 10 percent of the population is homosexual," he said. "The thing about the Census report is that many, many gays who are living together and in a relationship will not fill out that form because they don't want any documentation anywhere that they're gay. They're just not ready for it."

Suburban Morris County is a place gay families call home. Unlike their urban counterparts, they blend quietly into neighborhoods here. Not many talk publicly about being gay; dozens approached for this article declined. Some want to protect their children from any retaliation, no matter how unlikely.

The two couples interviewed — Wilcox and Seus, and Bill Cox and Ken Munson of Nyack, N.Y. — came forward because they're in safe phases of life. Wilcox, divorced from a man with whom she had a child, is free of custody issues. She and Seus are secure and out at their jobs. Cox and Munson, who are retired, say they're old enough not to care about others' opinions.

"Our being older plays into



George DeCarlo of Berkeley Heights, head of Friends Against Sexual Orientation Discrimination, said even civilly united gays have to go through an extra layer of legal routines.



Ryan Reyes is DeCarlo's partner. They were civilly united in Vermont but in New Jersey that is only a symbolic, not a legal, status.

the fact we've encountered very little overt homophobia," says Cox, formerly of Morristown. "The culture doesn't object as much when it applies to older people. It's the younger people

who are starting their business careers, at the age when they would otherwise be establishing families, that seems to be more upsetting to heterosexuals.

"We're a threat to the way heterosexual culture is organized. Companies, for instance, often are organized on the military model, where you have a president and underlings and the organizational power flows from the top down. We are more egalitarian and, consequently, we don't fit too well in that structure, and it's threatening to the way companies are organized."

In highly corporate Morris County, that can translate into a subtle gay presence. Rainbow flags hang outside their homes. Speakers from the Gay Activist Alliance in Morris County, the state's largest and oldest support system, talk in schools and at civic groups throughout the tri-state area, from which the group draws its members.

Job resumes are submitted with participation in gay groups listed as extracurricular activi-

ties. That's what Seus, a civil engineer, did.

"I did not want to be hired by somebody and have to go through this whole thing," she says. "If they had an issue with my being a lesbian, then let them have the issue and toss the resume on a different pile. I didn't want to work for someone that wasn't going to respect me for everything that comprises me."

She and Wilcox prefer suburbia to some gay enclave.

"I think it's better for you, more intellectually stimulating, to live with people who aren't all the same as you," Wilcox says.

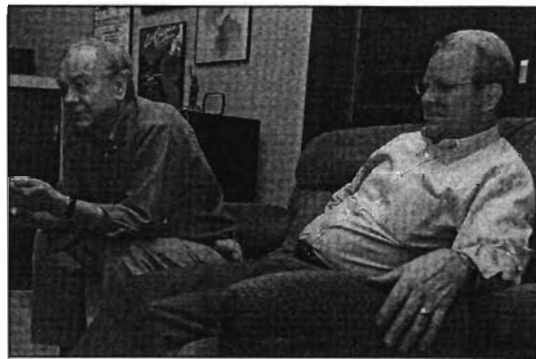
The couple could attend Church of the Redeemer in Morristown, a welcoming congregation for gays and lesbians. But they attend St. John's Episcopal Church in Boonton.

"For me, going to Redeemer would be a social experience," Seus says. "For me, going to church in a community has to do with my spiritual life. I have always felt that people who know me can't say they don't know anybody who's gay. If they hear something in the news about a study or a discrimination law, they can say to themselves they know somebody that would affect."

While integration here is

"When you get a tax form, you check off either Single, Married or Filing Jointly. New Jersey follows the tax filing status of the IRS. This is not right. My checking off Single is a lie, and they're forcing us to lie."

— George DeCarlo of Berkeley Heights, who is civilly united to Ryan Reyes



MIKE BUSCHER / DAILY RECORD

John Campbell, left, and Richard Harrison are open about their homosexuality but Campbell said others are reluctant. They don't want any documentation anywhere that they're gay. They're just not ready for it.

ahead of where it was a decade ago, and certainly ahead of many other places nationwide, gay and lesbian families in North Jersey still endure private pain. As liberal as New Jersey's laws are, homosexuals here can't marry, and that keeps them feeling like second-class citizens.

George DeCarlo of Berkeley Heights, head of Friends Against Sexual Orientation Discrimination, says gays and lesbians often need to go through an extra layer to accomplish routine things heterosexual couples take for granted.

"When you get a tax form, you check off either Single, Married, or Filing Jointly," says DeCarlo, who is civilly united to Ryan Reyes. "New Jersey follows the tax filing status of the IRS. This is not right. My checking off Single is a lie, and they're forcing us to lie."

There's much more.

Even couples who are civilly united in Vermont — Wilcox and Seus, DeCarlo and Reyes, Campbell and Richard Harrison — don't enjoy the automatic privileges that marriage brings unless they live in Vermont. Outside that state, the union brings only symbolic satisfaction.

A civilly united New Jersey couple needs extra legal agreements to ensure one can make decisions for the other in cases of sickness or death.

Even if one partner works for a company that extends health benefits to the other, that second partner pays federal taxes on the benefit almost as if it were income, according to David Buckel, senior staff attorney at the Lambda Legal Defense and Education Fund. Otherwise, the family must pay for two policies.

Gays, lesbians and the law

On marriage

Fact: Gays and lesbians can't marry in New Jersey.

Nation: Civil marriage, according to the federal Defense of Marriage Act (DOMA), is only between a man and woman.

The Federal Marriage Amendment to the U.S. Constitution, which would prevent nationwide any legalization of gay or unwed heterosexual domestic partners, was offered in the U.S. House of Representatives May 15. No senator has been willing to co-sponsor the House bill, promoted by the Alliance for Marriage of Alexandria, Va. It was drafted by Mary Ann Glendon of Harvard Law School.

Vermont: Vermont is the only state in which gays and lesbians can become civilly united. They enjoy the full legal protections of marriage if they are Vermont residents and only within the borders of Vermont. They do not enjoy legal protections afforded married couples under federal law and their union is not recognized in other states.

New Jersey: Many states have DOMA laws specifically excluding same-sex marriages. New Jersey doesn't, although a DOMA bill has been introduced — A1785 by Assemblyman E. Scott Garrett, R-Sussex, and S1047 by Sen. Gerald Cardinale, R-Bergen. They're both in committee with no legislative activity scheduled.

Currently, the Task Force for Same Sex Marriage, part of the Gay and Lesbian Political Action & Support Groups, is pushing for homosexuals' right to marry.

Consequences: Because they can't marry, gay and lesbian couples:

- Can't enjoy the tax advantage of filing as a married couple.
- Either can't get family health insurance or, in those cases where an employer covers domestic partners, pay a tax on the benefit.

■ May have to fight for hospital visitation rights when one is sick.

■ Can't carry out funeral wishes when one dies, unless a legal agreement to that effect is signed.

■ Are not entitled to Social Security or pension benefits when one dies.

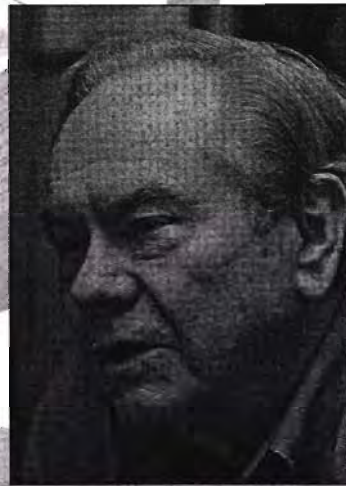
■ Pay taxes on any inheritance one leaves to the other since their shared assets, built together, are considered a gift to the survivor.

■ **Bill Singer, Belle Mead attorney specializing in nontraditional estate issues:**

"If you're married, anything your spouse inherits is free, whether it's \$10 or \$10 million. If you're unmarried and you leave your estate to your partner, your partner is going to pay an inheritance tax of 15 percent in New Jersey. I've had clients who have had to sell their house in order to raise the funds to pay the tax."

■ **Assemblyman E. Scott Garrett, R-Sussex, sponsor of a bill that would void same-sex marriages:**

"This legislation supports the traditional definition that a marriage is a union between a man and a woman. Our families are the foundation of our society. The protection of our traditional families encourages safe, productive and thriving communities. I believe it is absolutely essential that we have strong, vibrant families."



MIKE BUSCHER / DAILY RECORD

John Campbell of Edison, co-founder of Gay and Lesbian Political Action & Support Groups in New Jersey, is an active proponent for same-sex marriage in New Jersey.

■ **John Campbell, co-founder, Gay and Lesbian Political Action & Support Groups:**

"Stop and consider how many families with straight parents are dysfunctional, how many end in divorce, and then ask them what is this they're talking about when they say that we are diminishing their family some way."

Other New Jersey laws

■ In 1992, New Jersey became the fifth state to include "affectional or sexual orientation" in its Law Against Discrimination, which covers employment, housing and public accommodations.

■ In 1997, New Jersey became the first state to allow a couple not lawfully married to jointly adopt a child in a case brought by Jon and Michael Galluccio, now of Paterson, and settled out of court.

■ In 1999, the New Jersey Supreme Court denied the right of the Boys Scouts of America to fire a scoutmaster in Monmouth County based on his sexual orientation. The decision later was overturned by the U.S. Supreme Court on constitutional grounds.

■ In 2000, in the case of VC vs. MJB, the New Jersey Supreme Court adopted Wisconsin's psychological parent standard when it allowed a lesbian, non-biological mother visitation rights.

■ New Jersey's Hate Crimes Law punishes more severely those found guilty of a crime if they were acting to intimidate because of sexual orientation.

■ New Jersey's judicial canons state judges and lawyers can't manifest sexual orientation bias.

■ **David Buckel, senior staff attorney, Lambda Legal Defense and Education Fund:**

"There are many respects in which New Jersey is much better for the lesbian, gay, bisexual and transgender community because it has always been a civil rights leader in the nation, and the Law Against Discrimination is a prime example of that. About a dozen states have such a law, and New Jersey got its law in place earlier than others."

In Morristown

Mayor John "Jay" DeLaney, Jr. suggested in 1999 that Morristown become the first municipality in New Jersey to give unmarried employees with domestic partnerships — homosexual or heterosexual — the same family health benefits as married employees. Much debate followed, and the issue faded.

■ **John "Jay" DeLaney, Jr., mayor, Morristown:**

"I view health benefits as an issue of fundamental fairness. It isn't about conservatism or liberalism. It's not a gay-straight issue."



— *Compiled by Lorraine Ash*



MIKE BUSCHER / DAILY RECORD

While Nancy Seus, left, and Suzanne Wilcox are open about their homosexuality, gays and lesbians often wonder whether they should identify themselves to someone new or not. 'That's something unique to being gay,' Wilcox says. 'If you're straight, you don't have that.'

Gay

CONTINUED FROM / PAGE 6

If one dies and leaves an inheritance, the other must pay a 15 percent state inheritance tax, at times, to inherit back what he or she originally owned.

"Civil union was a major step, but we still need civil marriage," DeCarlo says.

While civil union affords full state legal protections for Vermont residents, it's also true a couple has to live in that state to dissolve the union.

"I love to rub this in, just to give him a hard time," Harrison says, ribbing Campbell. "It takes six months to become a resident, too, so he's stuck with me."

But there are more than just legal and financial differences in being civilly united instead of married.

There's a difference between calling home and saying, "Mom,

we're getting married," and "Mom, we're getting civilly united," Buckel says.

Gays and lesbians still wonder when they meet someone new whether they should identify themselves or not.

"That's something unique to being gay," Wilcox says. "If you're straight, you don't have that."

It's true gay and lesbians often make headlines. "Nightline's" recent five-part series about the complexities of the gay experience is an example. But not all the news is good.

Thirty-four-year-old Darrell David Rice of Maryland recently was indicted in the slayings of a lesbian couple while they hiked the Appalachian Trail in Virginia in 1996. Julianne Williams of Minnesota was 24 and Laura "Lollie" Winans of Maine was 26.

During the campaign for anti-gay Proposition 9 in Oregon, defeated by voters in 2000, two lesbians were killed.

Daily life presents challenges. Wilcox says the assumption in most places is that everyone present is straight. She recalls the congregation she previously attended, when she was married.

"I used to go to the Morristown Unitarian Fellowship, and it was toward the end of my marriage when I knew I had to get out. I knew I was a lesbian," she says. "The church was going through the process of becoming a welcoming congregation. What a controversy!"

"I was sitting there one Sunday morning when this was being hashed and thrashed around, and this guy was saying, 'What is their agenda?' His assumption was that every single person in the room was straight. I didn't stand up and say, 'Them is us.' So many people make that assumption, and it denies us. It devalues us."

Campbell recalls a time he and Richard Harrison went to a restaurant where a lady caught Harrison's eye. While Harrison paid the cashier, the woman approached Campbell, who'd been waiting in the reception area.

"She asked me, 'Is he your son?'" Campbell recalls. "I said, 'Well, no, we're a gay couple. He's my partner.' The poor woman started shaking. She actually went into a tremor. She said, 'What do you want me to do about it?' I said, 'Well, lady, you asked me what the relationship was. I really don't know anything you could do about it.' That's what you run into."

Until recently the idea of gay people being around children was a big stigma, as reflected in a New Jersey case involving the firing of a gay scoutmaster in Monmouth County, according to Wendy Burger, political director of the New Brunswick-based New Jersey Lesbian and Gay Coalition.

The issue spills into discussions about gay teachers and gays as adoptive parents, she adds.

"Conservatives and the Catholic Church in the state used to be the purveyors of all that," Burger says. "It turns out we weren't the unsafe people around kids."

What will continue to integrate the straight and gay communities in North Jersey are open minds. The difference between now and 10 years ago, Seus says, has been a lot of gay people getting a little more courage and coming out to a band of friends beyond their intimate friends, and maybe to a family member.

"We want students to see that gays and lesbians are not all out there in the woods. Some of us lead very usual lives."

— Ken Munson
Nyack, N.Y.,



"We are informing and educating those who are not familiar with the homosexual community. We are establishing bonds of humanity."

— Bill Cox,
Nyack, N.Y.,
formerly of Morristown

"It's a matter of letting it squish out," she says.

In the case of Cox and Munson, it's a question of being totally out, even to strangers, to groups of high school and college students.

"We want students to see that gays and lesbians are not all out there in the woods," Munson says. "Some of us lead very usual lives."

"We are informing and educating those who are not familiar with the homosexual community," Cox adds. "We are establishing bonds of humanity."

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GAY GROUPS, SITES

Local resources

- Civil Unions and Spousal Rights in New Jersey, www.geocities.com/njcivilunion
- County College of Morris Pride Coalition, www.ccm.edu/campuslife/StudentOrgs/pride/pride.htm
- Galluccio Family Website, www.galluccio.com
- Gay Activist Alliance in Morris County, www.gaamc.org
- Gay and Lesbian Political Action & Support Groups, www.gaypasg.org
- Gay and Lesbian Youth in New Jersey, www.galynj.org
- Jersey Pride, www.jerseypride.org
- Lambda Families of New Jersey, www.lambdafamiliesofnj.org
- New Jersey Lesbian and Gay Coalition, www.njlgc.org
- Parents and Friends of Lesbians and Gays, www.pflagnorthjersey.org

National resources

- Alternative Family Magazine, www.altfammag.com
- Children of Lesbians and Gay Everywhere (COLAGE), www.colage.org
- Family Pride Coalition, www.familypride.org
- National Gay and Lesbian Task Force, www.nglft.org



George DeCarlo, left, would like to have the same legal status for himself and partner Ryan Reyes, right, as heterosexuals have. DeCarlo says, 'Civil union was a major step, but we still need civil marriage.'