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Beyond civil unions: What's next?

BY RACHEL WELLS

As Republicans spoke out against a civil union bill approved by both the House and Senate last week, they argued that the measure would open the door to same-sex marriage, a prediction advocates for the gay and lesbian community say is precisely on target.

"We've been very upfront from day one that we view the civil union bill as a stopgap measure," says Rick Garcia, political director for Equality Illinois, which helped push the legislation forward. Gov. Pat Quinn has pledged to sign the measure, which will become effective on June 1, 2011.

In nearly every way except for the title "marriage," same-sex couples joined by a civil union will have state-level rights and benefits identical to those of a married couple. Those rights include state tax benefits, the ability to make medical decisions for a spouse in an emergency and the option of not testifying in criminal court about a spouse.

Typically, states offer about 300 benefits or special rights to married couples, says Jason Pierceson, a professor of political science and legal studies at the University of Illinois Springfield and co-author of *Same-sex Marriage in the Americas: Policy innovation for same-sex relationships*. According to Equality Illinois, Illinois offers nearly 650 benefits and protections to married and now civil union couples.

While Equality Illinois will continue pushing for Illinois to call civil unions by the same name, the next real battles lie at the federal level, Garcia says.

Pierceson agrees, adding that married couples receive about 1,000 federal benefits. He says Illinois is the last progressive state, besides New York, to approve a same-sex couple recognition law, meaning the states are now firmly either anti- or pro-gay unions and unlikely to budge on the issue in the near future. According to the Human Rights Campaign, Illinois is the sixth state in the nation to offer civil unions while five states and Washington, D.C., allow gays and lesbians to marry.

Without action on the federal level, widespread reciprocity – states recognizing civil union or same-sex marriages performed in other states – likely won't happen, and federal recognition of same-sex unions has to come from the federal government. The states' individual power in the matter is what's keeping the U.S. from joining other countries, including Canada and Argentina, that have already started recognizing same-sex couples on the national level, Pierceson says.

"Congress could repeal the Defense of Marriage Act, which would be helpful for national recognition of same-sex marriage and other arrangements, but what really has to happen is state constitutional bans have got to be eliminated in some way," Pierceson says.

Garcia says a repeal of the federal Defense of Marriage Act, which allows states to ignore other states' same-sex unions, is a priority for the gay community. But so too are the repeal of Don't Ask, Don't Tell, a 1993 policy that keeps gays and lesbians from openly serving in the military, and the passage of the Employment Non-Discrimination Act (ENDA), which would prohibit discrimination against gays in hiring and other employment decisions. "That's what's really in the minds of the community. ... Our folks want ENDA. They need job protections," Garcia says.

Here in Illinois, Equality Illinois will work to ensure that its recent victory in the civil rights debate remains intact. "We're going to make sure that the bill is implemented, that it's implemented smoothly and that there are no attacks on it," Garcia says, adding that his organization will also work to educate people about civil unions. Besides knowing what the benefits are and what the process is like for getting a civil union, people should know "what the dangers are – that you don't just run down and think this is something you can get out of," Garcia says. The dissolution of a civil union borrows all of the same procedures used for divorce.

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