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## Supreme Court rulings thrill Orlando gay community

By Jeff Kunerth, Orlando Sentinel

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The low point for gays in Florida was 2008, when voters overwhelmingly supported a state constitutional amendment making same-sex marriage illegal. It was a demoralizing blow that came at the same time California voters approved Proposition 8, which also banned gay marriage.

Those dark days were supplanted Wednesday by euphoria and a sense of momentum with the U.S. Supreme Court's rulings that extended federal benefits to legally married same-sex couples and, in effect, restored gay marriage in California.

By a 5-4 vote, the court ruled unconstitutional a provision of the federal Defense of Marriage Act that prevented married gay couples from collecting federal benefits, including the ability to file joint tax returns and receive survivor payouts from Social Security.

The ruling seems to have little immediate effect on gays in Florida because it applies only to states where gay marriage is legal. There is uncertainty about whether some rights might be extended to legally married gay couples living in Florida, either through regulatory interpretation or action by President Barack Obama.

"That will be a topic the Obama administration will have to consider," said Gary Gates, a demographer with the Williams Institute, an arm of the University of California at Los Angeles School of Law.

But Randy Stephens, head of Orlando's gay community center, said that "what this does is give us all encouragement. It's a huge, huge victory."

Stephens, executive director of the GLBT Center of Central Florida, said the court rulings are the pinnacle from which the abyss of five years ago looks far, far away. The rulings follow a string of triumphs for gay rights, including the repeal of the "don't ask, don't tell" policy for the military and the creation of domestic-partner registries in Orlando and Orange County. With Wednesday's decision on California, same-sex marriage is legal in 13 states and the District of Columbia.

The center, along with several other gay organizations, will celebrate with a "Marriage Equality Rally" on Thursday at Lake Eola, starting at 7 p.m. The event will include remarks by elected officials and community activists.

The court's ruling on the Defense of Marriage Act, known as DOMA, involved the case of Edith Windsor,

who was legally married to Thea Spyer. When Spyer died, Windsor was subject to estate taxes of \$363,053 because, under DOMA, the Internal Revenue Service did not acknowledge their marriage even though New York did.

In the majority opinion, the court found that DOMA was unconstitutional because it deprived gays of equal rights.

In the other case, *Perry v. Hollingsworth*, the Supreme Court declined to rule on Proposition 8, letting a lower-court ruling stand and allowing gay marriage to become legal once again in California.

"For the first time, the federal government, in any way, has recognized the validity of marriage between same-sex couples," said Mary Meeks, an Orlando attorney and gay-rights activist. "This is a transformative event in the history of equal rights in our country."

But even though the rulings represent a major step in the gay-rights movement nationwide, those attending the Lake Eola celebration are unlikely to benefit directly.

The DOMA ruling left intact a provision in the act that prohibits the transfer of legal status from states that allow gay marriage to those states, such as Florida, that prohibit it. The provision means that gays married in New York, for example, cannot be recognized as being legally married in Florida.

"Couples from Florida should not run and get married and think that they will see any benefits from those marriages in the state of Florida," said Elizabeth F. Schwartz, chairwoman of the Gay and Lesbian Lawyers Association of Miami.

Gay-rights leader Nadine Smith also tempered her joy with caution.

"For those of us who live in states like Florida, where our marriages are still not recognized, today's rulings are a reminder that we cannot wait for justice to be handed to us," said Smith, executive director of Equality Florida, a gay civil-rights group.

Meeks and her partner are among those couples married in a state that sanctions gay marriage.

"The bigger question is what happens to those people who got married in one of those states but now live in a state that doesn't recognize same-sex marriage," Meeks said. "It's completely unknown if people like us will have access to those rights and benefits."

As many as a third of the estimated 114,000 same-sex couples who are legally married in the U.S. live in states that do not recognize those marriages, according to the Williams Institute.

State Rep. Joe Saunders, D-Orlando, a gay-rights activist, said he foresees an exodus of gay couples to states where their marital status is legal and those federal rights and benefits are assured.

"If you are making retirement plans or financial decisions and you want those rights and benefits, why would you stay here?" Saunders said. "Fundamentally, it comes down to economics."

Equality Florida recently launched a long-term effort to reverse the Florida constitutional provision that bans same-sex marriage. In addition, a Miami group called Equal Marriage Florida is gearing up a campaign to get a question before voters in 2014.

While the gay community cheered the two court decisions, conservatives condemned them.

Mathew D. Staver, president of the Central Florida-based Liberty Counsel, said the ruling proved how out of touch the Supreme Court is with Americans.

"This is undermining the court's legitimacy in the eyes of the people," said Staver, whose organization challenges gay rights in the courts. "While this didn't recognize same-sex marriage nationwide, it lays the groundwork to push forward with same-sex marriage."

U.S. Sen. Marco Rubio, R-Fla., criticized the Supreme Court for "a serious mistake today when it overstepped its important, but limited, role." Gov. Rick Scott said the ruling has no effect on Florida, which remains a "traditional-marriage state."

And David Swanson, pastor of First Presbyterian Church of Orlando, said the decision follows the cultural trend of more tolerance and acceptance of gays and lesbians. Swanson's church recently broke away from the Presbyterian Church (USA), in part over the issue of ordaining gay ministers.

"I think this is a shift away from the traditional moral values that our culture has held for generations," Swanson said.

Joyce Ducas said she and her partner, Claudia Asbury, were holding off getting married until there was some federal recognition of same-sex marriage. The Supreme Court ruling came too late: Asbury died in 2010.

"This was bittersweet for me today, but mainly sweet," said Ducas, 63, of Orlando.

The most important thing for her, Ducas said, is that the court recognized the existence and validity of gay couples as the equals of straight couples.

"It's almost like the federal government saying, 'We see you, we recognize you and you are legitimate,'" Ducas said. "That feels good."

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