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Student Events

Outlaw speakers make legal debate over same-sex marriage concrete

By Nicole Peradotto



"The New York statute doesn't necessarily say man or woman. It doesn't say anything about love, either. . . . What it does say is that there is one required procedure to get married: You must declare yourself to be husband and wife."

— Shari Jo Reich '86

On March 5, a young Buffalo couple drove downtown, made their way to Room 1301 of City Hall and, like so many lovebirds before them, applied for a marriage license. Their otherwise mundane request would have been granted, too, were it not for the fact that both applicants were men.

Instead, it escalated into a bona fide media event. A photo of the two having an exchange with the deputy city clerk — whose first question was, "Where's the fiancée?" — appeared in *The Buffalo News* and was picked up by other papers, including *The Miami Herald*. They were interviewed for radio and TV. Two weeks after their trip to City Hall they were the subjects of a cover story in a regional weekly. Next to their picture the headline read: "Let Them Get Married."

The first gay couple to publicly push for a marriage license in Buffalo, David Cantaffa and Anthony Laulette discussed their efforts, as well as their newfound status as advocates for same-sex marriage, at the 2004 Outlaw Dinner, held March 31 at the Hyatt Regency Hotel.

"The primary reason we did this, and the reason we are pushing for access to marriage, is that we love each other very much and are committed to a life together," said Cantaffa, a graduate student at the University at Buffalo working toward his Ph.D. in the sociology of education. "Like a heterosexual couple in the same circumstance, we feel we should be afforded the rights and responsibilities associated with marriage."

Laulette emphasized that applying for the license was never intended as a publicity stunt. In fact, the two men didn't call to alert the media until they were in the lobby of City Hall. It was only then that they decided that calling attention to their appeal would help generate a much-needed conversation about same-sex marriage in the region.

"To be quite honest, we were somewhat surprised by the immediate responsiveness as well as the continuing coverage our actions have received," Laulette said. "The media have proven to be an invaluable means of establishing a public record and drawing local attention to the issue."

In the summer of 2003, Laulette and Cantaffa celebrated their five-year relationship with a civil union ceremony in Vermont. Recognizing that such a union doesn't carry any legal weight in New York, they chose to request the marriage license as a test of Buffalo's anti-discrimination law. Passed in 1999, the law was amended in 2002 to include protections for transsexuals and others who desire the freedom of gender expression. One provision that caught the couple's attention provides for equality of treatment for people of all sexual orientation with regard to "applying for, participating in or enjoying any benefit and privilege administered by New York State."

"We felt increasingly energized to act locally, to make a personal, yet public claim for our rights, and to make a sometimes abstracted legal debate concrete," Cantaffa said.

That debate, which has been taking place across the country since the Supreme Court banished anti-sodomy



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— David Cantaffa, left, with Anthony Lauette at the Outlaw Dinner

laws from the books last summer, took center stage at Outlaw's eighth annual dinner, sponsored by the Outlaw Committee of the Progressive Law Society (PLS) and the UB Lesbian, Gay, Bisexual, Transgender Alliance (LGBTQA). In addition to Lauette and Cantaffa, speakers included local attorney Shari Jo Reich '86, who offered her legal expertise and perspective on matters of same-sex adoption and marriage.

"People ask me why New York doesn't allow gay marriage," said Reich, who has extensive experience handling legal issues dealing with sexual orientation and family law. "The New York statute doesn't necessarily say man or woman. It doesn't say anything about love, either. There isn't anything in the statute that talks about love, commitment or relationship.

"What it does say is that there is one required procedure to get married: You must declare yourself to be husband

and wife. And the courts are required to interpret statutes according to their plain meaning – bride means woman; groom means man."

However, Reich added, New York State Attorney General Eliot Spitzer "is correct in stating that under the full faith and credit laws of the constitution New York has to recognize valid marriages performed elsewhere – i.e. Massachusetts and Ontario."

Reich noted that, in a matter of visitation rights, she represents a lesbian couple who wed in Ontario. "I refer to my client's partner as her wife because that's how they refer to each other. It's a little uncomfortable at first, even for me," admitted Reich, who is gay. "And it's certainly uncomfortable for the court."

Another speaker at the dinner discussed her successful effort to organize a local chapter of Children of Lesbians and Gays Everywhere (COLAGE).

Cathy Mack told attendees that she was motivated to start the group two years ago, after having a heart-to-heart discussion with her daughter about her sexual orientation.

"Prior to that, she knew of my relationship with my partner, but when I put a title to it – that we were lesbians – all this fear conjured up in her," Mack remembered. "What are her friends going to think? Is she going to be ostracized at school?"

Even though Mack had hosted several picnics at which lesbian parents and their children were guests, she said her daughter never realized that these kids had gay parents, too.

Mack remembered hearing of a San Francisco-based organization aimed at supporting and empowering youngsters with gay, lesbian, bisexual or transgender parents. When she searched for a local chapter, she didn't find one closer than Utica, N.Y. So in September of 2002, she and several others began organizing a chapter on behalf of their kids.

Today, the local COLAGE chapter includes three facilitated groups geared toward children of different ages. "We now have established ourselves in the community and are looking forward to continuing to grow," Mack said. In the future, "COLAGE could be much more than a social group, as it is now," she added. "It could address any of the children's issues and needs that are put forward."