



Testimony to Vermont Commission on Family Recognition and Protection

My name is Allen Gilbert. I am the executive director of the American Civil Liberties Union of Vermont.

My organization exists to make sure that individual rights, as enumerated in the U.S. and Vermont constitutions, are protected. We have about 3,000 members in Vermont. It's one of the highest proportions of a state's population anywhere in the country. Vermonters care about civil liberties.

Guarantees of liberty are not self-enforcing. The rights of individuals or groups with little power or influence, or of those who are marginalized or despised, are often violated. The simple fact is that sometimes the majority, even in a democratic society, feels that the minority doesn't deserve the same rights as the majority.

It is then that our agreement as a people to core principles is tested -- principles that may cause some of us a bit of discomfort. Yet we agree as a society to live under the same set of laws, and we have a right to ask for the same set of benefits, as others enjoy.

Even those in the majority on an issue must realize that none of us is permanently protected from violations of our civil liberties. We are all vulnerable. The rights of each person are secure only if the rights of the weakest, the marginalized, the unpopular, are assured. Liberty, as we hope it exists in our state and country, is diminished when we deviate from the equal protection of everyone's rights.

This committee is, on one hand, faced with a simple question to which we believe there is a simple answer. The question is whether gay couples have the same right to marry as heterosexual couples. The answer, we believe, is "yes."

The real challenge for the committee, though, is how best to ensure that the rights we believe that gay couples should have are provided to them.

I have little doubt that if Vermont were an independent nation and we could decide this issue as a sovereign people, that we would grant gay couples equal marriage rights with all deliberate speed.

Our hesitation, as a member of a union of states to do this, I think, is based on a sense of being out-of-step with the rest of the nation. We are particularly worried about how federal law may continue to discriminate against those we want to help to gain rights equal to the rights long-held by the majority.

The ACLU believes that we should not let this hesitation stand in the way of doing the right thing. The government of the state of Vermont should end the discrimination that currently exists against gay couples wishing to marry.

While civil unions moved gay couples a few rows forward on the bus, gay, lesbian, and trans-gender individual deserve, and have a right, to sit wherever they want on the bus. Please recommend to the Legislature equal, and full rights, for couples to marry regardless of gender.