

I won't be here next week. We're going to a friend's daughter's wedding in Connecticut. Last month it was a cousin's wedding. And a few weeks before that I officiated at an out of town wedding. We began the summer at another friend's son's wedding. This love stuff seems to be going around. There is usually a lot of love around but only in the last five years has it been possible for many people to have that love confirmed by law. The recent death of Edith Windsor, an LGBTQ activist, most widely known as the lead plaintiff in the Supreme Court of the United States case *United States v. Windsor*, which successfully overturned Section 3 of the Defense of Marriage Act and was considered a landmark legal victory for same-sex marriage. Unitarian-Universalist ministers were performing same-sex marriages well before they were legal in New York State, before they were legal throughout the U.S. Before *Windsor vs. United States*, a couple could be married in New York, move to a state which did not allow same-sex marriage, and not have that marriage recognized as legal. There were other problems for people who had entered into state recognized marriages. The one that brought Edith Windsor to seek legal redress was founded on those two inevitables: death and taxes.

Upon [her wife's] death on February 5, 2009, Windsor became the executor and sole beneficiary of Spyer's estate, but was required to pay \$363,053 in federal estate taxes on her inheritance of

her wife's estate. Had federal law recognized the validity of their marriage, Windsor would have qualified for an unlimited spousal deduction and paid no federal estate taxes.

Windsor sought to claim the federal estate tax exemption for surviving spouses. She was barred from doing so by Section 3 of the Defense of Marriage Act or (DOMA), which provided that the term "spouse" only applied to marriages between a man and woman. The Internal Revenue Service found that the exemption did not apply to same-sex marriages, denied Windsor's claim, and compelled her to pay \$363,053 in estate taxes.

As a result of Windsor's lawsuit, the Supreme Court declared the unconstitutionality of DOMA. In the majority opinion, the court said:

When New York adopted a law to permit same-sex marriage, it sought to eliminate inequality; but DOMA frustrates that objective through a system-wide enactment with no identified connection to any particular area of federal law. DOMA writes inequality into the entire United States Code. The particular case at hand concerns the estate tax, but DOMA is more than a simple determination of what should or should not be allowed as an estate tax refund. Among the over 1,000 statutes and numerous federal regulations that DOMA controls are laws pertaining to Social Security, housing, taxes, criminal sanctions, copyright, and veterans' benefits.<sup>1</sup>

DOMA's principal effect is to identify a subset of state-sanctioned marriages and make them unequal. The principal purpose is to impose inequality, not for other reasons like governmental efficiency. Responsibilities, as well as rights, enhance the dignity and integrity of the person. And DOMA contrives to deprive some couples married under the laws of their State, but not other couples, of both rights and responsibilities. By creating two contradictory marriage regimes within the same State, DOMA forces same-sex couples to live as married for the purpose of state law but unmarried for the purpose of federal law, thus diminishing the stability and predictability of basic personal relations the State has found it proper to acknowledge and protect. By this dynamic DOMA undermines both the public and private significance of state-sanctioned same-sex marriages; for it tells those couples, and all the world, that their otherwise valid marriages are unworthy of federal recognition. This places same-sex couples in an unstable position of being in a second-tier marriage. The differentiation demeans the couple, whose moral and sexual choices the Constitution protects ... and whose relationship the State has sought to dignify. And it humiliates tens of thousands of children now being raised by same-sex couples. The law in question makes it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.

Under DOMA, same-sex married couples have their lives burdened, by reason of government decree, in visible and public ways. By its great reach, DOMA touches many aspects of married and family life, from the mundane to the profound. It prevents same-sex married couples from obtaining government healthcare benefits they would otherwise receive<sup>1</sup>... It deprives them of the Bankruptcy Code's special protections for domestic-support obligations... It forces them to follow a complicated procedure to file their state and federal taxes jointly ... It prohibits them

from being buried together in veterans' cemeteries... The federal statute is invalid, for no legitimate purpose overcomes the purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in personhood and dignity. By seeking to displace this protection and treating those persons as living in marriages less respected than others, the federal statute is in violation of the Fifth Amendment.

There's more, lots more. We're talking about a legal decision. But this gives a bit of an understanding about what is at stake when government and love intersect. Law puts its stamp on aspects of life that seem to be beyond its reach. It reaches into the realm of morality, of affection, of personal financial decisions. And, tellingly, it puts a seal on what is considered normal or abnormal. This is the power of law. That was why it was so important to recognize the legality of same-sex marriages.

It is not my usual practice to quote legal opinions. For one thing, they hardly keep anyone awake. They are not riveting prose. And yet, one couple whose marriage I performed a number of years ago, here in this church, asked me to quote from New York State's Marriage Equality Act at the beginning of the ceremony. In that moment, those dry, legal phrases seemed as moving as the most romantic poetry.

Let me repeat the last sentences of that decision.

The federal statute is invalid, for no legitimate purpose overcomes the purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in

personhood and dignity. By seeking to displace this protection and treating those persons as living in marriages less respected than others, the federal statute is in violation of the Fifth Amendment.

Disparage and injure...personhood and dignity...less respected. This is the power of the law and we, all of us, are part of the system that allows laws to exist or laws to be changed or struck down. We defend the personhood and dignity, or, as we put it, the inherent worth and dignity, of all people by our response to the laws of our country. DOMA is not the first law intended to keep a certain group of people from having their love recognized. Law serves, as the word implies, to legitimize what people feel as much as it serves to legitimize what people do.

Lately, there has been a good deal of talk about the LGBTQ revolution as the fastest revolution. People speak of the speed with which rights for LGBTQ people have been achieved. I'm not sure that several thousand years counts as quick but I could be wrong. I'm not sure if several thousand years even covers the territory. But I do know that at the heart of this revolution is the question of love, who is allowed to love whom.

There have been other revolutions in love, some private, some public. Revolutions about love between different social classes, (think of poor boy or girl meets rich boy or girl), different ethnicities (when we lived in Buffalo, in the

seventies and eighties, it was still pretty much frowned on for an Italian boy to marry a Polish girl, though both were Catholic.) And this was not to mention the sanctions against people of different religions marrying. Both sets of our parents were unhappy when I, raised U-U, married Arn, raised Catholic. And, of course, there were until shamefully recently, legal restrictions to keep people of different races from marrying. Some, particularly the last category, were enforced by law. Others by social custom. In each of these cases, the message was that some people were not as worthy as others. But perhaps more comprehensively than all these, the ban on same-sex marriage carried with it the message that LGBTQ people were not only not worth loving but were not even worthy of being allowed to love. Behind the refusal to allow marriage equality was the old assumption, often reinforced, that the feelings of LGBTQ hearts and bodies were mistakes, immoral, diseased. And when the innermost feelings of one's heart and body are so stigmatized, what effect can this have on every aspect of a person's life and self-worth? No wonder the rate of suicide has been so high in this community.

Edith Windsor and her wife, Thea Spyer, went through many experiences common to lesbians of their day. Thea was expelled from college for kissing another girl. Edith married in an attempt to be 'normal'. Thea gave Edith a diamond pin when they became engaged so she didn't have to explain an engagement ring. Edith made up a boyfriend, who she told co-workers was Thea's

brother, to explain the calls from Thea to her at work. Subterfuge, lies, terror were written on every hour of their days until acceptance of the LGBTQ community became more common. It is a revolution that is far from complete but it has begun. Thanks to Edith Windsor and a million other people who fought beside her, marriage equality is now a matter of law.

Whatever our sexuality, we all owe a great debt to Edith Windsor and those many, many people who risked persecution, bodily harm, even death and, perhaps the most cunning weapon of all, mockery. There are many ways to tell people they are despised and, yes, names and words can truly hurt us. The hurt of humiliation keeps all of us in line. Many heterosexual people forced themselves into conforming to a narrow idea of how the different sexes were supposed to behave in order not to be derided. Men acted more traditionally masculine; women more traditionally feminine than their natural behaviors. Therefore, we should all be grateful to those who were willing to risk to widen the windows of our lives. It has given all of us a richer view of the variety of love and it has enabled us to throw off the straitjacket of roles and expectations that had so long confined us. We are all freer as a result.

I am proud that U-U's have been at the forefront of support for marriage equality. It was often, including in this church, a contentious issue. But we have,

ultimately, been true to our principles, not only in the letter but in the spirit. And I would particularly like to thank Libbie Stoddard for her pioneering efforts. We have been standing on the side of love for a long time.

Love is love. We can understand many different kinds of love when we, ourselves, have felt that emotion. We understand its necessity, its force, the despair when it is denied or thwarted.

Some might say, in this age where more than half of all marriages end in divorce, that it is beside the point to want marriage equality. But it is not. The reasons that marriage recognized by law has always been so important to heterosexual couples are the same reasons that same sex couples desired marriage equality; public recognition of a relationship, the permanence that the step of legalizing that relationship offers, and the protection that a legal relationship gives to both parties. Most importantly, marriage equality gave to the love between two people the same status, no matter who those people were.

Love is love. I am paraphrasing here, but, basically, Gandhi, drawing on Hindu tradition said that we must align ourselves with the law of love in our relations with one another; we deny or defy it at our peril. The emotion of love, itself, lends strength to any effort. Love is not only the doctrine of this church; it is our motive power. When we put aside our own needs and see the needs of others, it

is often because we love them. Love, any kind of love, makes us stretch beyond the boundaries of ourselves to admit another person. It opens us to understand others more fully and that understanding is more necessary now than ever. Love triumphs over bigotry and hatred. In this time, when so much of the world seems dedicated to anger and hate, we honor those who, like Edith Windsor, have had the courage to give voice to love.